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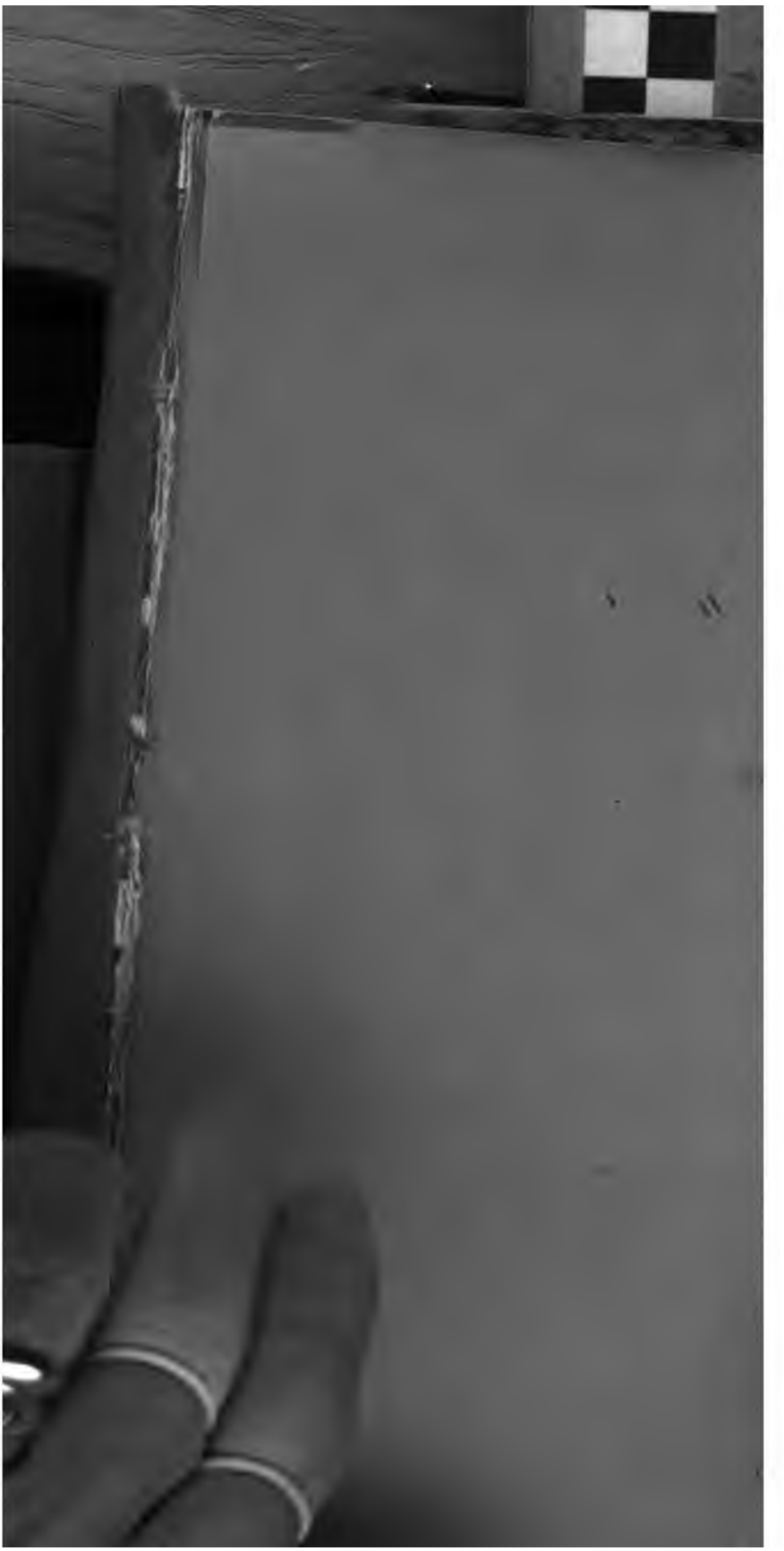

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OF THE

NATIONAL ASSOCIATION

FOR THE

PROMOTION OF SOCIAL SCIENCE.

TRANSACTIONS

OF THE

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FOR THE

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MANCHESTER MEETING, 1866.

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Lankester, Edwin, M.D., F.R.S.
Lambert, Rev. Brooke
Lefevre, G. J. Shaw, M.P.
Lefevre, Rt. Hon. Sir John Shaw, K.C.B.
Leighton, Sir Baldwin, Bart.
Leppoc, H. J.
Lichfield, Earl of
Liddell, Hon. H. G., M.P.
Londesborough, Lord
London, Lord Bishop of
Longfield, Hon. Judge, LL.D.
*Low, C. Hoskins
Lowe, Rt. Hon. Robert, M.P.
Lupton, Darnton
Lushington, Rt. Hon. Stephen, D.C.L.
Lyveden, Lord
Lyttelton, Lord

Macqueen, J. F., Q.C.
*McClelland, James
Maclure, J. W.
McLagan, Peter, M.P.
Mainwaring, Townshend, M.P.
Manchester, Mayor of
Manchester, Lord Bishop of
Manchester, Very Rev. Dean of
Manchester, Recorder of
Mann, Horace
Marsh, Matthew H., M.P.
Marshall, James
Mason, Hugh
Maurice, Rev. F. D.
Melly, George
Mill, J. Stuart, M.P.
Milne, Alfred
Mills, J. Remington, M.P.
Milroy, Gavin, M.D.
Mitchell, Alexander, M.P.
Moffatt, George, M.P.
Moncrieff, Right Hon. J. W., M.P.
Montagu, Rt. Hon. Lord Robert, M.P.
*Moreton, John
Morley, Samuel
Morrison, Walter, M.P.

Napier, Right Hon. Sir Joseph, Bart.
Neate, Charles, M.P.
Neaves, Hon. Lord
*Newmarch, William, F.R.S.
Noble. Daniel, M.D.
Noel, Ernest
Norris, Rev. Canon
Northcote, Right Hon. Sir Stafford, Bart., M.P.

O'Conor Don, The, M.P.
Ogle, J. W., M.D.
O'Hagan, Hon. Justice
Oldfield, Colonel
O'Reilly, Myles W., M.P.
Overstone, Lord

Paget, Charles
Pakington, Rt. Hon. Sir J. S., Bt., M.P.
Palmer, Sir Roundell, Q.C., M.P.
Pankhurst, Richard M., LL.D.
Parkes, Rev. S. Haddon
Patten, Col. J. Wilson, M.P.
*Paterson, Robert F.R.S.
Peel, Rt. Hon. Sir Lawrence, D.C.L.
Philips, Robert N., M.P.
Pitman, Henry, M.D.
Playfair, Professor Lyon, C.B., F.R.S
Pollard-Urquhart, William, M.P.
Potter, Edmund, F.R.S., M.P.
Powell, F. S., M.P.
*Power, Edward

Radnor, Earl of
Ratcliff, Charles
Rathbone, P. H.
Rawlinson, Robert, C.B.
Redgrave, Samuel
Rendle, William
Richson, Rev. Canon
Ripley, H. W.
Roberts, Henry, F.S.A.
Rogers, E. Dresser
*Ross, Malcolm
Rothschild, Baron Lionel de, M.P.
Rothschild, Baron Mayer de, M.P

Rumsey, H. W.
Russell, Earl, K.G.
Ryland, Arthur

St. David's, Lord Bishop of
Salford, Mayor of
Salomons, David, M.P.
Sandford, Rev. Henry
Scott, John
Scourfield, J. H., M.P.
Seaton, E. C., M.D.
Seymour, Henry D., M.P.
Shaen, William
Shaftesbury, Earl of, K.G.
Shaw, Benjamin
Sheridan, H. B., M.P.
Shuttleworth, Sir J. Kay, Bart.
Simon, John, F.R.S.
Smith, Angus, Ph.D., F.R.S.
Stanley, Right Hon. Lord, M.P.
Steinthal, Rev. S. A.
Stephenson, Rev. Nash
*Stern, S. J.
Stewart, A. P., M.D.
Stuart, Robert
Sykes, Colonel, F.R.S., M.P.

Taylor, P. A., M.P.
Teulon, Seymour
Thompson, H. S.
Tite, William, F.R.S., M.P.
Tomline, George, M.P.
Torrens, Robert, M.P.
Torrens, R. R.
Townshend, Marquis
Tremenheere, H. Seymour
Tufnell, E. Carlton
Turner, Charles, M.P.
Twining, Thomas
Twiss, Travers, Q.C., D.C.L., F.R.S.

Valpy, Richard
Vaughan, James
Verney, Sir Harry, Bart., M.P.

Waddilove, Alfred, D.C.L.
*Waller, J. F., LL.D.
Ware, Martin, jun.
*Warrack, John
Waterhouse, Samuel, M.P.
Watson, Sir Thomas, Bt., M.D., F.R.S.
Webster, Thomas, Q.C., F.R.S.
Weguelin, Thomas, M.P.
Westlake, John
*White, Peter
Wilde, Right Hon. Sir James P.
Williams, Arthur J.
Williams, F. Martin, M.P.
Williams, Joshua, Q.C.
Wilmot, Sir J. E. Eardley, Bart.
Wilson, Professor
*Wilson, Robert
Wood, Vice-Chancellor Sir W. Page
*Wright, J. S.

EXECUTIVE COMMITTEE.

Burgess, Rev. Richard

Clay, Rev. W. L., *Secretary*
Charles, A. O.
Cookson, W. Strickland, *Treasurer*

Edgar, Andrew, LL.D.

Godwin, George, F.R.S.
Gunnery, Rev. Reginald

Hare, Thomas
Hastings, George Woodyatt, *General Secretary*
Hawes, William, *Treasurer*

Lambert, Rev. Brooke

Lankester, Edwin, M.D., F.R.S.

McClelland, James
Marshall, James

Rendle, William

Stewart, A. P., M.D.

Teulon, Seymour

Valpy, Richard
Vaughan, James

Westlake, John, *Foreign Secretary*
Williams, A. J.

LOCAL OFFICERS OF THE MANCHESTER MEETING.

Chairman of the Local Executive Committee.

Mr. Alderman Neild.

Secretaries.

J. W. Maclure, Esq. | Herbert Philips, Esq.

The Rev. S. A. Steinthal.

Treasurer,

Oliver Heywood, Esq.

Secretaries of Departments.

I. Alfred Aspland, Esq. H. C. Oats, Esq. S. Unwin, Esq.

II. J. A. Bremner, Esq. Rev. W. J. Kennedy, M.A. G. Richardson, Esq.

III. J. E. Morgan, Esq., M.D. Arthur Ransome, Esq.

IV. T. Browning, Esq. H. Fleming, Esq. J. Watts, Esq., Ph D.

EXECUTIVE COMMITTEE.

Mayor of Manchester.
Mayor of Salford.
Alfred Aspland, Esq.
John A. Bremner, Esq.
T. Browning, Esq.
T. P. Bunting, Esq.
W. R. Challender, Jun., Esq.
David Chadwick, Esq.
Professor Christie.
William Fairbarn, Esq., LL.D., F.R.S.
Hugh Fleming, Esq.
H. R. Forrest, Esq.
Murray Gladstone, Esq.
Professor Greenwood.
George Harris, Esq.
Joseph Heron, Esq.
Oliver Heywood, Esq.
W. S. Jevons, Esq., M.A.
Rev. W. J. Kennedy.
H. J. Leppoc, Esq..
J. B. McKerrow, Esq.
J. W. Maclure, Esq.
J. E. Morgan, Esq., M.D.
Alderman Neild.
Mr. Councillor James Nield.
Daniel Noble, Esq., M.D.
H. C. Oats, Esq.
H. M. Ormerod, Esq.
Herbert Philips, Esq.
Arthur Ransome, Esq.
G. Richardson, Esq.
W. Roberts, Esq., M.D.
Professor Roscoe.
Malcolm Ross, Esq.
T. D. Ryder, Esq.
Henry Simpson, Esq., M.D.
Rev. S. A. Steinthal.
S. J. Stern, Esq.
Mr. Councillor J. Thompson.
John Thorburn, Esq., M.D.
S. Unwin, Esq.
J. Watts, Esq., Ph.D.

Secretary to the Committee.

Mr. John Duffield.

FOREIGN CORRESPONDING MEMBERS.

Monsieur Le Comte J. Arrivabene, Bruxelles.
Marquis D'Avila, Ministre d'Etat de S.M. Très Fidèle, Lisbon.
Monsieur P. A. Berryer, Paris.
Monsieur Michel Chevalier, Avenue de l'Impératrice, No. 27, Paris.
Monsieur Le Comte Auguste Ciezkowski, Wierzenica, Grand-Duché de Posen.
Monsieur De Metz, Rue de Londres, No. 13, Paris.
Monsieur Ed. Ducpétiaux, Inspecteur-Général des Prisons et Etablissements de Bienfaisance, Rue des Arts, No. 22, Bruxelles.
David Dudley Field, Esq., New York.
Monsieur Le Dr. C. Helm, 805, Seilerstätte, Wien, Austria.
Baron Von Holtzendorf, Berlin.
Dr. Edward Jarvis, Dorchester, Massachusetts, U.S.
Professeur Katchenowsky, Université de Kharkow, Russia.
Hon. Wm. Beach Lawrence, Ochre Point, Newport, Rhode Island, U.S.
Professeur Mittermaier, Privy Councillor, Heidelberg.
Monsieur Le Dr. Neumann, Köpnicker Strasse, No. 110a, Berlin.
Monsieur F. Le. Play, Conseiller d'Etat, &c., Rue St. Dominique, No. 17, Paris.
Monsieur Le Dr. Schubert, Königsberg.
Monsieur W. H. Suringar, Président de Mettray, Amsterdam.
Monsieur Le Dr. Susani, Professeur de Mécanique Industrielle à la Société des Arts, Milan.
Monsieur Le Dr. Varrentrapp, Francfort-sur-Main.
Monsieur A. Visschers, Conseiller au Conseil des Mines, Rue Royale, No. 106, Bruxelles.

HONORARY MEMBERS.

George Peabody, London and New York.
Mrs. John Knox, London.

THE LAWS OF THE ASSOCIATION.

Object and Organization.

I. The object of the Association is to aid the development of Social Science.

II. The Association comprises Four Departments: the first, for Jurisprudence and Amendment of the Law; the second, for Education; the third, for Health; and the fourth, for Economy and Trade.

III. The Association consists of Ordinary Members, Corporate Members, Foreign Corresponding Members, and Associates.

Terms of Membership.

IV. Any person who pays an Annual Subscription of One Guinea, or a Life Subscription of Ten Guineas, to the Funds of the Association, is an Ordinary Member.

V. Any Public Body paying to the funds of the Association an Annual Subscription of Two Guineas is a Corporate Member.

VI. Foreign Corresponding Members are elected by the Council, the number of such Members being limited by Bye-law. Foreign Corresponding Members are exempt from payment.

VII. Any person who pays Ten Shillings to the Funds of the Association is an Associate for the Annual Meeting for which such payment is made.

VIII. The Annual Subscription is payable in advance on the first day of August in each year.

Officers and Government.

IX. The Association has a President, Vice-Presidents, Presidents and Vice-Presidents of Departments, a General Secretary, a Secretary, a Treasurer or Treasurers, a Foreign Secretary, and Secretaries of Departments, who are all annually elected, and hold office until the appointments of the following year are made.

X. The Association is governed by a Council, and by an Executive Committee, subject to the directions of the Council.

XI. The Council consists of the following persons:—

1. The President, Vice-Presidents, Presidents and Vice-Presidents of Departments, General Secretary, Secretary, Treasurers, Foreign Secretary, and Secretaries of Departments.

2. Every Member who has filled the office of President, or President of a Department, or who has filled for two years the office of General Secretary, Secretary, Treasurer, Foreign Secretary, or Secretary of Department.

3. Every Member who, up to the 31st of July, 1862, had served for three years as a Member of Council.

4. Every Member of either House of Parliament who is also a Member of the Association.

5. Such Members, not exceeding fifteen in each Department, as shall be annually nominated by the Standing Committee of each Department.

6. Such Representatives of any Branch or Local Association, not exceeding two, as may be nominated from time to time by such Branch or Local Association.

7. Such Representative of any Society existing in connection with the Association as may be nominated from time to time by such Society.

8. Such Representative of any learned Society, or Chamber of Commerce, being a Corporate Member of the Association, as may from time to time be nominated by such Corporate Member.

9. Such Members as may be nominated by the Association, on the recommendation of the Council, for special services to the Association.

XII. The Executive Committee consists of the General Secretary, the Secretary, the Treasurers, the Foreign Secretary, one Secretary from each Department, nominated by the Council, and Twelve Members elected annually by the Council.

XIII. The Council meets at the time of the Annual Meeting of the Association, at three other times during the year, and also when specially summoned by the Executive Committee.

Annual and other Meetings.

XIV. An Annual Meeting for the reception of the Address of the President, and of the Reports of the Council and Standing Committees, and for the reading and discussion of papers, is held in such place, and at such time, as may be appointed by the Council.

XV. A Business Meeting of the Members is held in each year at the Office of the Association, at such time as may be appointed by the Council, to receive a Report from the Council on the financial and other business of the Association, to elect the Officers and Standing Committees for the ensuing year, and to enact such Laws as may from time to time be required.

XVI. The Council has the power of summoning a General Meeting of Members, on fourteen days' notice, for such purpose and at such time and place as it thinks fit.

XVII. The General Secretary, on receiving a requisition signed by twenty Members, summons, at such time, being within thirty days, and at such place as he thinks fit, a General Meeting of the Members, for the purposes stated in such requisition.

XVIII. Special Meetings are held in London, under the regulation of the Executive Committee, for reading papers, and for discussion, on specific questions.

Rights and Privileges of Members.

XIX. Every Ordinary Member has the rights of attending and voting at the Annual Meeting, the Business Meeting of Members, and all other General Meetings of the Association, of being eligible to any of its offices, and of receiving gratuitously its *Transactions*.

XX. Any Ordinary Member, whose name has been submitted for that purpose to and approved by the Executive Committee, and who pays an additional annual subscription of One Guinea, or an additional life subscription of Ten Guineas, has the privileges of attending and voting at the Special Meetings mentioned in Law XVIII., of receiving all publications issued in connection with such Meetings, and of the using of the Library at the Office of the Association.

XXI. Every Corporate Member receives gratuitously a copy of the *Transactions*, and may nominate two representatives to attend the Meetings of the Association.

XXII. Every Foreign Corresponding Member has all the rights of an Ordinary Member, except that of eligibility to the Council.

XXIII. Every Associate has the right of attending and voting at the Annual Meeting, held under Law XIV.

Standing and other Committees.

XXIV. A Standing Committee for each Department is annually elected at the Business Meeting of Members. A Standing Committee has the power of appointing Sub-committees.

XXV. Special Committees are appointed by the Association or by the Council, to consider and report on specific subjects of reference.

XXVI. The General Secretary, the Secretary, and the Foreign Secretary are, *ex officio*, Members of every Committee and Sub-committee. The Secretary of each Department is, *ex officio*, a Member of every Committee and Sub-committee of such Department.

Constitution and Conduct of Meetings.

XXVII. For General Meetings of the Association twenty Members, for Meetings of the Council seven Members, for those of the Executive Committee five Members, and for those of other Committees and Sub-committees three Members, form a quorum.

XXVIII. At all the aforesaid Meetings the Chairman has a vote; if the votes be equal he has also a casting vote.

XXIX. No original motion of which previous notice has not been given is put from the Chair at any Meeting of the Association held under Laws XIV., XV., or XVI.

Finances.

XXX. The funds of the Association are kept in its name at a Bank. All sums received on account of the Association are paid into the Bank; and all cheques on the Bank are drawn by order of the Council or of the Executive Committee, signed by the Treasurer, and countersigned by the General Secretary.

XXXI. At the Business Meeting of Members two Auditors, not being Members of the Council, are appointed on motion, by show of hands, to audit the accounts for the ensuing year.

XXXII. The accounts of the Association are made up to the end of July in each year; and, after being duly audited, are appended to the Annual Report of the Council.

Vacancies in Offices.

XXXIII. The Council fills up any vacancy occurring during the year in any of the offices named in Law IX.

REGULATIONS FOR BRANCH AND LOCAL ASSOCIATIONS.

THE Association recognises two classes of Provincial Associations.

I. *Branch Associations*, of which the conditions are—

Their Members to be Members of the General Association, and to subscribe £1 1*s*. annually, or £10 10*s*. as a life payment.

All the subscriptions to be paid to the Central Office, but a part to be allowed by the Council towards the expenses of the Branch, in addition to any special grants that may be made.

The Branch Association to elect its own President, Secretary, and other Officers.

The Branch Association to elect annually not more than two members of the General Council.

II. *Local Associations*, of which the conditions are—

That the Local Association shall regulate the amount of its own subscriptions, but that every Member on whose behalf 10*s*. shall be paid yearly into the general funds of the Association shall have the privilege at his option—

1. Of a copy of the *Transactions*.

2. Of attending the Annual Meeting of the Association, and of procuring a copy of the *Transactions* at a reduced price, to be annually fixed by the Council.

INCOME AND EXPENDITURE ACCOUNT, 1865-6.

For the year ending July 31st, 1866.

EXPENDITURE.

1866.				£	s.	d.
July 3.	To Publishing *Transactions* of 1864 (Balance)			27	1	4
	Editing and Publishing *Transactions* of 1865, (on account)			355	12	0
	Rent			200	1	6
	Salaries			250	0	0
	Wages			32	16	0
	Office Expenses			112	0	10
	Library—Books, &c., for			51	19	5
	Printing, Balances for 1864–5:—					
	General			12	4	0
	Sessional			98	16	4
	Supplementary			28	4	1
	Printing, on Account for 1865-6:—					
	General			34	19	6
	Sessional			10	7	0
	Supplementary			1	5	0
	Stationery			18	12	6
	Transactions, Delivery			25	0	0
	Postage			58	7	9
	Collector			38	0	0
	Travelling Expenses			74	10	0
	Journal of Social Science			80	2	0
	Furniture			44	11	9
	Interest			7	10	0
	Reporting Proceedings at Sheffield Meeting			55	5	6
	Annual Dinner (1865)			56	17	0
	Balance at London and Westminster Bank ...	14	6	2		
	,, Ransom & Co. ...	14	4	6		
	,, Petty Cash	1	7	5		
				29	18	1
				£1,704	1	7

INCOME.

1866.					£	s.	d.
July 3.	By Balance at London and Westminster Bank ...	51	13	11			
	Ransom & Co.	10	10	0			
	Petty Cash	2	10	2			
					64	14	1
	Subscriptions received in Office and at Bankers				951	7	6
	Sheffield Meeting, remittance from Local Treasurer...				589	8	6
	Transactions, &c., sold				50	18	6
	Rent of Rooms on the Ground Floor ...				37	10	0
	Sale of Tickets for the Annual Dinner (1865)	41	18	0			
	Less amount entered in last Year's Account	31	10	0			
					10	8	0
					£1,704	1	7

Audited and found correct.

July 6th, 1866. JOHN HOWELL.

INTRODUCTION.

THE Tenth Annual Congress was opened at Manchester on Wednesday, the 3rd of October, 1866, with a service in the Cathedral and a sermon preached by the Rev. Canon Richson, one of the original members of the Association. On the evening of that day the customary Address was delivered in the Free Trade Hall by the Earl of Shaftesbury, K.G., who for the second time filled the office of President. A vote of thanks to his Lordship was moved by Lord Brougham, seconded by Mr. Edward James, M.P. for Manchester, supported by Sir James Bardsley, and carried by acclamation. A resolution conveying to Lord Brougham the thanks of the Association for his services as President during the past year, and for his unremitting support of its public objects, was proposed by the Right Hon. Joseph Napier, seconded by Mr. Bazley, M.P. for Manchester, and also carried by acclamation.

The address of Lord Brougham, as President of the Council, was delivered next morning in the Nisi Prius Court, where the Presidents of Departments also addressed the Association, as usual, on successive mornings before the daily business of the Departments commenced. On the Friday morning Mr. David Dudley Field, the Chairman of the International Section, read, at the request of the Council, to the whole body of

ment was made by the Council, not merely as a mark of respect to a distinguished American jurist, but from a conviction of the importance of the subject thus brought to the notice of the Congress.

On the evening of Friday, the 5th, a Working Men's Meeting was held in the Free Trade Hall, when the thousands who crowded the building in every part were addressed by the Earl of Shaftesbury, Lord Brougham, and other members of the Association.

A soirée was held in the central hall of the Assize Courts on two evenings during the meeting; and on each occasion the opportunity was taken for the discussion in the adjoining rooms of some topics of special interest. Mr. D. D. Field explained in the Nisi Prius Court the nature of the New York Codes, and the method by which they had been framed, in which he himself bore so prominent a part. On the same evening comparative descriptions of the rise and progress of the reformatory system in Scotland, Ireland, and New York were given in the Criminal Court by Mr. Sheriff Watson, Dr. Neilson Hancock, and the Rev. W. C. Van Meter. A discussion on the best mode of preventing bribery and corruption in parliamentary elections, took place on the second evening, and Mr. Henry Ashworth also read a paper, which has since been published, on "The Progress of Lancashire," containing a most interesting record of the rise of the cotton manufacture, and the history of Lancashire industry.

A Conference of masters and matrons of Reformatory Schools was also held during the Congress, under the chairmanship of Mr. Robert Hanbury, M.P., whose sudden loss the Association has since had to deplore; and the Earl of Shaftesbury presided over a meeting to promote the formation in Manchester of a Society for the Employment of Women, similar to those existing in London and Dublin.

A banquet took place in the central hall of the Assize Courts, on the evening of Tuesday the 9th, the Earl of

Shaftesbury in the Chair, which was attended by upwards of 200 members and associates.

The work of the Departments was conducted by the Secretaries with their customary ability and zeal, and the results were summed up in the following Report from the Council which was presented to the concluding Meeting on Wednesday, the 10th.

"The Council have much pleasure in congratulating the Association on the success of the Tenth Annual Meeting.

"The number of members and associates present has been 1,656. The papers and discussions have been more than ordinarily valuable and interesting; and the noble edifice in which we are assembled has afforded peculiar facilities for the accommodation of members, and the transaction of business.

"The Council desire to record their gratitude to the citizens of Manchester for the hospitality and kindness with which they have received the Association: to the magistrates of the Hundreds of Salford for the use of the Assize Courts: to the Rev. Canon Richson for his sermon at the Cathedral: to the local press for the publicity which it has given to the proceedings: to the Railways for the facilities they have afforded: to the Local Officers and Committees for the strenuous exertions which have led to such successful results.

"The various meetings have throughout been well attended, and the business, as arranged by the Committees of Departments, has been satisfactorily concluded. The Council allude with peculiar pleasure to the great gathering of working men on Friday evening last, distinguished by its orderly character and the interest manifested in the proceedings. Such meetings can hardly fail to be productive of good, because they tend to increase the sympathy between different classes, and to quicken the interest of the Association in those questions which more peculiarly affect the condition of the great bulk of our population. The Council will always bear such questions in mind; they wish to see them impartially and dispassionately considered, with due weight given to the opinions of the class most nearly interested in their solution; and to this end they hope to adopt at future meetings some plan by which working men may be admitted in greater numbers to the discussions of the Congress. They take this opportunity of expressing their hope that the existing law for enforcing contracts between master and servant may be so modified by Parliament, as to remove the imputation of harshness and injustice from our legislature on this head. This question will be brought before the Association by Mr. Edgar, one of the secretaries of the Economical Department, at an early period in the approaching session.

"The Association has had the advantage on this occasion of the presence of a distinguished American lawyer, who has conferred on his own State the signal benefit of a philosophical Code of Law. Mr. David Dudley Field, in the address which he delivered as Chairman of the International Section of our Jurisprudence Department, advocated in eloquent terms, the promulgation of an International Code, for the settlement of any disputes which may arise between

civilized States; and he suggested that this Association might make a commencement of this great work. The Council, after due consideration, have resolved to accede to Mr. Field's proposal, and they have this day appointed a Committee, charged with the preparation of the outline of an International Code, who will report to the Association at its next Annual Meeting.

JURISPRUDENCE AND AMENDMENT OF THE LAW.

"In Section A (International Law) of this Department, the valuable paper of Mr. Anthony Trollope, on International Copyright, led to an instructive discussion, during which the Chairman (Mr. David Dudley Field), expressed his opinion that if the matter were properly brought before the people and the legislature of the United States, the question would be satisfactorily adjusted.

"In the same Section the duty of the Mother Country towards inferior races in the Colonies was considered, and a strong opinion was expressed that judicial appointments in all our dependencies, inhabited by mixed races, should be placed in the hands of the Imperial Government, in order to secure that first requisite for the due administration of justice, an impartial an independent bench.

"In another debate in the same Section, the weight of opinion was in favour of a system of international extradition for non-political offences, guarded by the provision that the prisoner so given up should be within a certain time put on his trial before the tribunal of his own country for the offence alleged against him at the time of his extradition and for no other, and that failing the fulfilment of these conditions, the state that had given him up should have the right to reclaim him. It was further suggested that a high officer of state might be constituted, before whom the *primâ facie* evidence of guilt in such cases might be laid, for his opinion whether the charge was *bonâ fide* made or fabricated for the purpose of getting possession of the alleged criminal, and that the decisions of such an officer, under the express provisions of an International Code, would be invoked with as much good faith and received with as great confidence by foreign nations as those of Prize Courts.

"In Section B (Municipal Law) of the same Department, the necessity for an entire change in the existing law of Bankruptcy, and the adoption of the principle that the creditors of an insolvent debtor are entitled to the exclusive control over his estate, were urged with much force. This principle it was thought would be most effectually carried out—

"(1) By abolishing the existing courts and machinery of bankruptcy.

"(2) By enabling the creditors, as a body corporate and extra-judicially, to possess themselves of and realize the estate of their insolvent debtor, and to grant him acquittance from any future liability in any way they should decide upon.

"(3) By leaving the ordinary criminal courts to deal with such acts of the debtor as are of a penal nature; and—

"(4) By leaving all litigation relating to the winding-up to the ordinary civil courts, superior and local.

"It was unanimously agreed that the Committee of the Department be recommended to prepare a full report on the papers and discussion, and submit the same to an early meeting of the Department in London.

"The discusssion as to the best method of reducing the law of England to a compendious form was preceded by an evening address from Mr. David Dudley Field, one of the three Commissioners entrusted with the work of codifying the Law of the State of New York. In popular and lucid language he described to a large audience the origin of this great undertaking, and explained the method by which the code was compiled, corrected with infinite pains, and finally completed. On that occasion and on the following morning Mr. Field met all the main practical difficulties attending the work; showed how they had been dealt with and disposed of by himself and his colleagues, and recommended in the most emphatic manner the adoption by this country of a plan substantially in accordance with that which they had successfully tried. The able and convincing statement of Mr. Field made a very striking impression. The discussion indicated a strong feeling on the part of the Section that there should be no longer delay in beginning the work, and in accordance with this opinion the Council have to-day resolved that they will urge upon the Government either the immediate appointment of a Royal Commission, or such other step as may be best calculated to lead to the early adoption of the most practical and efficient method for reducing the law of England to a compendious form.

"The subject of bribery at elections was brought before the notice of the Association. Various remedies were proposed, all, or most of which are deserving of consideration; but the Council lean to the opinion that the crime of electoral corruption should be the subject of some measure of penal legislation which would affix to the offence, especially as against the person corrupting, the social degradation it deserves.

"Mr. Hare's paper led to a careful and closely-reasoned discussion on his proposed arrangement for giving full expression to the thought and intellect of the constituencies.

"Section C (Repression of Crime). The mode in which life sentences should be carried out to the utmost was fully discussed, and the following resolutions, on the motion of the Rt. Hon. Joseph Napier, were unanimously adopted:—

"'1st. That the altered circumstances of this country with regard to Transportation renders it necessary that the treatment of 'Life Sentenced Convicts' should be revised, and that such steps be taken for the protection of Society as will cause their liberation to be the exception, and not, as heretofore, the rule.'

"'2nd. That the opinion of those qualified to judge induces the conclusion that the retention of this class of prisoners under the circumstances, in the Ordinary Convict Prisons would be attended with danger to those Establishments and be detrimental to the prisoners; and that it therefore appears to be absolutely necessary to institute a Special Prison for the purpose, if possible on some island near our own shores, in which a special treatment could be carried on suitable to the peculiar position of the inmates.'"

"On the question of Infanticide the necessity of further legislative action was insisted on, so as to cast the burden of illegitimate children on both parents according to their means. It was also agreed on all hands that capital punishment for this crime should be abolished, and that the modification of the law proposed in the 12th, 13th, and 14th clauses of the Report of the Commission on Capital Punishment ought to be adopted.

"With regard to the special question proposed relative to Coroners' inquests, it was the general opinion in the Section that they should be *held compulsorily in workhouses*, reformatories, and lunatic asylums, *as they now are in gaols.* It was at the same time urged that Coroners'

courts, as at present constituted, need much improvement if they are to fulfil adequately the ends of justice.

"The Council learn with much satisfaction from the proceedings in this Section that the exertions recently made for the reformation and future employment of female convicts have met with much success through the operations of "The Carlisle Memorial Refuge," and other Refuges of a similar nature."

EDUCATION.

"The discussion in the Second Department on the best means of removing the impediments to education in the manual-labour class brought out a strong (though not unanimous) expression of opinion in favour both of legally obligatory education, and of an education rate. It was evidently not the wish of the Department that such measures should lead to the abandonment of the present denominational system; and a deep-seated repugnance to the surrendor of religious teaching manifestly prevailed. Provided the parents had a free choice of schools such a surrender, it was thought, might, in large towns at any rate, be avoided; and the experience of the Manchester Education Aid Society had evidently a great influence in leading the meeting to this conclusion.

"It would be impossible to epitomize here Sir James Kay Shuttleworth's masterly paper on the administration of educational endowments. It can hardly fail to exercise, when published in our *Transactions*, a considerable influence on the decision of Parliament in this matter. In this paper he has renewed a proposal for the formation of a Department of Public Charities in connection with the Privy Council, and acting in harmony with the Executive Committee. This proposal obtained the approbation of influential members of Lord Aberdeen's Government in 1853, and was, in many of its details, the basis on which the present Charity Commission was constituted. That Commission might have its powers extended, and its relations so altered as to occupy the place which it did in the original scheme.

"On the Religious Difficulty the resultant opinion of the Department seemed to be that it was of paramount importance to secure the exemption of children in state-aided schools from teaching out of harmony with the convictions of their parents. Whether this was to be effected on the principle of the Conscience Clause; or by the adoption of a secular system, was a point on which the meeting seemed to be about equally divided, though the feeling was strong that if the former plan unhappily proved to be inadequate, then a secular scheme must be adopted. There was a unanimous expression of opinion, in which the President concurred, that the matter was ripe for immediate parliamentary treatment.

"The conditions on which pecuniary assistance by the State should be extended so as to reach classes of schools hitherto either inadequately or completely unaided formed the subject of a lengthy discussion. Against the lightening of the conditions it was argued that to lower, in any case, the standard on which grants might be given was to infringe on the main purpose of the present system, which was the extension of popular education so long as it did not fall below a certain standard of efficiency; that it would be very difficult to grant assistance on different terms to schools standing side by side; and it was better to wait for some thorough scheme of education, rather than adopt make-shift alleviations in the interval. But the feeling of the Department inclined towards the belief that the necessities of the classes shut out from the present system were so urgent as to outweigh

such considerations, and the following resolutions were accordingly adopted:—

"'That this Department, while strongly affirming that complete provision for national education must be made by Act of Parliament, are nevertheless convinced that much might be done in the meantime by relaxing in some points the Privy Council rules, and therefore earnestly request the Council of the Association to press on the Committee of Council on Education the necessity for modifying the Revised Code in the following particulars in the case of elementary schools, where the average attendance is below 70, or where the school fees do not reach one-sixth of the total annual expenses:

"'1. That a certificated teacher be not necessarily required.

"'2. That the age at which children present at the inspection become entitled to the grant of 6*s.* 6*d.*, without individual examination, be raised from six to eight years.

"'3. That supplementary rules 8 and 9, which fix the standard higher than the schools in view can attain be not enforced.

"'4. That where an additional expense is incurred by industrial teaching a grant in aid be given.

"'5. That when the schools are held in rented premises no reduction be made for endowment, unless to the extent of the excess (if any) of the endowment over the rent.'"

"A discussion on Mr. Nassau Molesworth's paper on "The Half-time System, brought out the expression of a very strong feeling in favour of the extension of that system to all branches of labour."

HEALTH.

"In the Department of Health the suggestion of the Standing Committee that a Royal Commission ought to be issued to frame a measure for the consolidation and better administration of the laws relating to the public health, was unanimously approved. It was the general feeling that in any such revision of legislation, many sanitary enactments which are now permissive, should be made compulsory; and that the area of sanitary administration should be extended so as to embrace considerable population.

"The evil effects of smoke on health, vegetation, and on certain manufactured goods, as well as on the spirits and comfort of the people, were insisted on in another paper by Dr. Angus Smith. It was considered that small, certain, and cumulative fines would be more effectual for the prevention of this nuisance than heavy fines, which are seldom imposed and are therefore inoperative. It was thought that the duty of inspection and of enforcing penalties should be in the hands of Government, rather than of parties locally interested. Cases in Cornwall were cited of the prevention of smoke for nearly 50 years past by the careful use of coal, and with great saving of fuel; and it was the predominant opinion that smoke *could* be consumed, and that measures ought at once to be taken to secure this most desirable end.

"In the debate on the pollution of rivers, opened by Dr. Stevenson Macadam, the following resolution was unanimously adopted on the motion of Lord Robert Montagu:—

"'That while it is necessary to remove, as speedily as possible, excreta and refuse from houses, it is advisable to procure eventually compulsory legislation against the pollution of rivers by the sewage of towns, and that the Council be requested to petition Parliament to compel towns and manufactories to use all practicable means for arresting such pollution.'"

"On the question of the adulteration of food, it was considered that the present Act requires amendment. It was suggested that the law should be in some degree assimilated to that relating to weights and

measures, and that the penalties for offences should be chiefly in the nature of publication and exposure.

"The subject of volunteer nurses was dealt with in an able paper by Miss Garrett, and her opinion that the best permanent security for obtaining good nursing is to give a higher status and more liberal pay to those employed, met with the approbation of the audience.

"The excellent water supply of Manchester was noticed more than once in the Department with hearty commendation, and a valuable paper on the health of the city was contributed by Mr. Ransome and Mr. Royston.

"A suggestion was made to the Department, which seemed to meet with general approval, that the relations of Dr. Snow would be fitting recipients of a pension in the civil list in requital of the service rendered to humanity by his discovery of the mode of the propagation of cholera by impure water."

ECONOMY AND TRADE.

"In Section A of the Department of Economy and Trade a resolution was passed, after a long discussion, affirming that the necessities of the country call loudly upon the Legislature to pass a general measure to amend the law regulating the sale of intoxicating liquors; and requesting the Council to memorialize the Government for the enactment of such a measure, and for the insertion therein of clauses enabling the inhabitants of townships and parishes entirely to prohibit the granting or renewing licences whenever a large majority so desire.

"On the subject of the dwellings of the labouring classes an important discussion took place, the general result of which seemed to be rather in favour of buying up blocks of old buildings, and putting them in a condition suitable for human habitation, than of attempting much at present in the way of new erections. A strong feeling was expressed in favor of Parliament granting compulsory powers for obtaining possession of such buildings.

"The subject of Co-operation was also fully discussed. Much valuable information was obtained, and while the difficulties which lie in the way were stated by various speakers, there was a general agreement in the hope of final success.

"In Section B of the same Department the question of Taxation was discussed, and a general opinion was expressed that the number of articles subject to duties of custom and excise should be further diminished, in the social interests of a people still heavily burdened with imposts, whose industrial resources and bodily comforts have multiplied so marvellously under successive reductions of indirect taxes, and seem to promise an almost unlimited expansion under a wise fiscal policy.

"The question of the Bank Charter Act and of the reduction of the National Debt also occupied the attention of the Section.

"The important questions alluded to above, and others which have occupied the Congress, will receive the earnest attention of the Council and the different Committees during the ensuing session; while the forthcoming volume of *Transactions*, which will be as usual supplied gratuitously to each guinea-member, will contain an accurate and permanent record of the papers and discussions at this Manchester Meeting.

"The Council have only further to add that they have accepted, on behalf of the Association, an invitation from the Town Council of Belfast to hold the Eleventh Annual Meeting in that city in the

month of September, 1867. They trust that they may be then able to congratulate the members on a Congress as successful and instructive as that which is now about to close."

The thanks of the Association are expressed in the foregoing Report for the hospitality and kindness shewn by the Local Committee, and the inhabitants of Manchester; but it may be mentioned that the principal manufactories, and a number of public institutions were thrown open to the members and associates, and that the accommodation supplied to all the officers of the Association, was unusually liberal. For the highly successful arrangements of the Congress, we were especially indebted to the Local Secretaries, Mr. J. W. Maclure, Mr. Herbert Philips, and the Rev. A. S. Steinthal. The total proceeds of the tickets sold at the Meeting, amounting to the sum of £1,072 10s. were transmitted to the Association by the Local Treasurer, Mr. Oliver Heywood, on the 29th day of November last, and were acknowledged by a resolution of that date expressing the cordial thanks of the Council, for the success of the Manchester Congress.

Since the publication of the Sheffield volume of *Transactions* the Council received from Lord Brougham an intimation that he could not again undertake to fill the office of President of the Association; and therefore the following resolution, moved by Sir James Kay Shuttleworth, was unanimously adopted:—

"That this Council have heard with great regret the announcement made by Lord Brougham, that he feels it indispensable to decline to preside at the ensuing Annual Meeting at Manchester; and they cannot receive this announcement without putting on record their grateful sense of the great services which his Lordship has rendered to the Association as its President from its commencement, and by his presence and addresses at every Annual Meeting, as well as by the exertions of his personal influence to promote the success of all the objects which the Association has had in view."

With respect to resolutions passed by the Departments at Manchester, an inquiry addressed to the Government elicited the information that her Majesty had been advised to issue a Royal Commission on the expediency of forming a Code or Digest of the Law of England; and under these circumstances

the Council did not think it necessary to send another deputation to the Premier on this subject.* This Commission has recently made its first report, proposing that some portions of a Digest should be made tentatively, a recommendation which unfortunately falls far short of the hopes entertained by the Association.

The Council determined to leave the resolutions concerning the treatment of life-sentenced convicts in the hands of Sir Walter Crofton, who has been consulted by the Home Office on the subject.

The following Memorial was presented by a deputation to the Duke of Buckingham, then President of the Privy Council, on the 15th of January last.

"The Council of the National Association for the Promotion of Social Science desires to submit to your Grace the propriety of somewhat relaxing the requirements of the Revised Code in the case of urban Schools intended for very poor children. They propose to define these schools as "town schools in which the fees in the aggregate do not amount to more than one-ninth of the total annual expenses. This definition would keep down the payments to an average of about 1*d.* a week.

"Much evidence has been accumulated which proves that a very large proportion of the children now absent from the schools aided by the State are shut out by the inability of their parents to pay the school fees.

"It is vain to expect that schools for this class of children can be permanently maintained by benevolent persons, for the burden is too heavy. In other elementary schools, the subscribers have to provide only about one-third of the annual income, the children's fees and the Government grants furnishing the rest; but in these the fees range from nothing to about one-ninth of the total cost, while experience has shown that schools frequented by the children of poverty-stricken parents, even if the conditions of the Revised Code were complied with, must always fall below the average standard, and consequently obtain, on the present terms, very small assistance from Government.

"The Council therefore earnestly beg your favourable consideration for a relaxation of the Code in the case of these schools, in the three following particulars:—

"I. That a certificated teacher be not necessarily required. The existing requirement places poor schools at a great disadvantage. It is well known that the more efficient certificate-holders will not take charge of a school for destitute children in a squalid neighbourhood, unless induced to do so by a high salary. The managers therefore have to accept the alternative of unusual expense, or comparatively inefficient teaching. Were they left free in their choice, however,

* See p. xxxv of the Introduction to the *Transactions* of 1865.

they could procure masters and mistresses more suitable for such schools, at a moderate salary, than the lower grade of those who hold certificates are likely to prove, their training not having given the latter any special qualification for the management of children of the destitute class.

"II. That Supplementary Rule 9 be not enforced; that the grant for average attendance be raised (except in infant schools) from 4s. to 5s.; and the grant after examination from 8s. to 9s. By thus slightly lowering the standard, and at the same time increasing the grant for attaining it, the Council believe that the schools in question would obtain as much, or nearly as much, assistance as others do. For more they do not ask.

"III. That wherever additional expense be incurred for industrial teaching a grant in aid be given. For this concession the Council submit that there are two adequate reasons. However desirable industrial teaching may be in other elementary schools, in those for 'neglected and destitute children' it is almost a necessity; partly because from their habits they are unfit to bear long mental exertion, and partly because they have to be taught in school to earn their livelihood.

"The Council are convinced that these relaxations might be made without danger of abuse. The condition that the fees, which usually reach one-third, shall not exceed one-ninth of the annual cost, would render these schools so burdensome to their supporters as effectually to prevent their establishment where no real necessity exists."

In pursuance of a resolution passed by the Health Department in favour of a revision and consolidation of the laws relating to Public Health, the following Memorial was presented by a deputation to the Duke of Marlborough, President of the Privy Council, on the 2nd of April last, when an undertaking was given by his Grace, that the attention of the Government should be at once directed to the subject.

"The Council of the National Association for the Promotion of Social Science desires to submit to your Grace the following considerations respecting an amendment and consolidation of the laws relating to Public Health:—

"These laws are numerous and diverse; and, as different subjects of legislative interference arise from year to year, become more complex and more difficult to interpret and apply.

"Some of the enactments are general, some local. The provisions of the latter are often of universal value and applicability, and might beneficially be introduced into the former. In other instances there are different enactments relating to the same cases, with different penalties for the same offences. For instance, sec. 63 of 'The Public Health Act, 1848,' and sec. 2 of 'The Nuisances Removal Amendment Act,' 26 and 27 Vict. c. 117, intended to prevent the sale of diseased meat, and collateral in their operation, impose a penalty, the one of £10, the other of £20, in precisely similar cases. This, of necessity, leads to confusion.

"Some important enactments are permissive; indeed this principle very extensively pervades sanitary acts of the greatest importance, and consequently they are seldom acted upon. For instance, sec. 22 of 'The Nuisances Removal Act, 1855,' where, when ditches, etc., are a nuisance, it is left to 'the opinion of the local authority' to decide whether the nuisance requires a sewer for its abatement; and secs. 23 and 24 of "The Sanitary Act, 1866,' relating respectively to the provision of means for disinfection. and of carriages for the conveyance of persons sick of infectious disorders; sec. 27 of the same Act and sec. 81 of 'The Public Health Act, 1848,' concerning the establishment of places for the reception of dead bodies; and sec. 52 of 'The Public Health Act, 1848,' with reference to compelling a proper provision of closets in factories, are all permissive.

"The bodies appointed to administer Health Laws are not always identical, as it is evidently expedient that they should be. There are natural connections which ought not to be disregarded—*e.g.*, the supply of water with the removal of waste, the large with the small means of drainage. These are under diverse authorities. Without bodies of more general and uniform powers, wider districts, and highly qualified Officers of Health precluded from private practice, Health Laws cannot be made fully successful in their operation. 'The Sanitary Act, 1861,' constitutes sewer authorities, differing, in some respects, from local authorities under other statutes. The Common Lodging Houses Acts are committed to the management of the police in the metropolis, to Local Boards of Health, to Town Commissioners and Justices in other places. The appointment of analysts rests with the Court of Quarter Sessions in counties, and with the Town Council in boroughs having a separate jurisdiction, instead of with the usual authorities for sanitary purposes. Further, this most important appointment is seldom made, as the law merely gives a permission to appoint.

"The local authorities are more or less unlearned, and for that reason require plain and specific directions. They are interested in diminising the rates, unmindful of the probable costliness of their parsimony; and they are, therefore, frequently unwilling to act in sanitary matters, except under compulsion. They are often ignorant of the importance of sanitary precautions, and indifferent to flagrant nuisances, and to the serious consequences arising therefrom to individuals, to others beyond the offending district, and to society at large. Hence the need of a special and central department to stimulate an unwilling or inefficient local authority, to act as a Court of Appeal, to diffuse to all the knowlege obtained from districts that have no connection with each other, to protect individuals and minorities against injustice, and being possessed of the highest practical knowledge, to construct or sanction bye-laws and local regulations.

"The Building Acts, which should at least contain sound rules for insuring due attention to health in the erection of habitations, are very deficient indeed in this point of primary importance. In some few places bye-laws are even now made to serve the purpose. It is undeniable that without some very uniform and stringent additions and alterations to Building Acts (such as that which is now being promoted by the Metropolitan Board of Works), the construction of healthy dwellings, especially for the poorer classes, acknowledged to be required on a very large scale indeed, will most deplorably fail; and the new tenements will doubtless be as bad as the old, or even worse.

"The sale of unwholesome and adulterated food calls for very serious attention, and for a much more efficient law. The present law is full of difficulties and defects, is much complained of, and is almost inoperative.

"While, therefore, the Acts remain so complicated and multifarious, as are those now in force, it is impossible to hope for an efficient sanitary administration; especially as the principles underlying all true sanitary law are the same, more or less applicable in the same way in all places.

"On these grounds the Council earnestly submit, for the favourable consideration of the Government—

"1. That the laws of Public Health require to be revised and consolidated with plain and specific enactments on sanitary matters.

"2. That permissive enactments are generally taken to be permissions not to act, and that therefore the most useful provisions should be made peremptory.

"3. That the constitution of sanitary authorities should be more uniform; their areas of administration more extensive; their powers and functions more comprehensive; and that some provision be made for the addition of members possessing other and higher qualifications than those now required.

"4. That the inefficiency in the administration of the Health Laws by the local authorities is in part due to the absence of a central power, which could be appealed to without reference to the courts of law, and could by means of judicious advice, and, if necessary, by legal compulsion, cause the local authorities to do their duty."

In Section A of the Economy and Trade Department, the following resolution was passed at Manchester, and was referred by the Council to the Standing Committee of that Department, to consider and report thereon:

"That in the opinion of this Department the interests of the country call loudly upon the Legislature to a pass a general measure amending the laws regulating to the sale of intoxicating liquors, and would therefore respectfully request the Council of the Association to consider the propriety of memorialising Government to insert clauses in any measure amending the licence laws, enabling the inhabitants of townships and parishes entirely to prohibit the granting or renewing of licences whenever a large majority so desire."

The Committee, after several discussions, prepared a memorial embodying substantially the recommendation contained in this resolution, and presented the same to the Council for approval; but the introduction into the House of Commons of the measure commonly known as the Liverpool Bill, as well as

the difference of opinion apparent in the Council on the question induced the subsequent withdrawal of the memorial.*

On the 21st of March the Council appointed a Special Committee to inquire into the principles and working of the system of Jury Trial, and the best mode of removing and defects therein and securing its efficiency. This Committee has already collected a considerable amount of valuable information by the examination of witnesses specially conversant with the subject, and has communicated the results of its inquiries (through its Chairman, Mr. Serjeant Pulling) to the Select Committee of the House of Commons recently appointed to investigate some points bearing on this vital question of constitutional law.

In the autumn of last year Miss Mary Carpenter, one of the most esteemed and eminent of our members visited India with a view to inquire into the social condition of its inhabitants; and on her return to England in this spring she communicated the information she had acquired respecting the state of Female Education, and of the Gaols in India, to two evening meetings of the members at the office of the Association. On the second occasion Major Hutchinson, Inspector of Police in the Punjaub, also gave the result of his official experience on the state of prison discipline in that province. The Committee of the Reformatory Section thereupon resolved to present the subjoined Memorial to Sir Stafford Northcote, the Secretary of State for India.

"Sir, — The Committee of the Reformatory Section of the Association for the Promotion of Social Science, and of the Law Amendment Society, begs respectfully to solicit your attention to the state of the Gaols and of Prison Discipline in India.

"You are, Sir, aware that the question of the due treatment of criminals, with a view to the reformation of the offender and the future prevention of crime, has long occupied the attention of the Societies

* I must take the opportunity of correcting an inaccuracy in the *Journal* of the Association, wherein it was stated that the feeling of the Council was unanimous in favor of withdrawing this memorial. Though quite ready to concur in the opinion that it might not be expedient to press the subject on the attention of the Home Office at that particular moment. I spoke strongly in favor of adopting the memorial, in order that action might be taken upon it on the first favourable opportunity. Certainly there were several members of the Cuncil who agreed in that view of the matter. G.W.H.

represented by this Committee. It has also been frequently considered by Parliament, and has been reported on by Royal Commissions and Committees of both Houses. By these means the true principles of Prison Discipline have been fully elucidated; a system founded upon those principles has for some time past been in successful operation in the convict prisons of Ireland; while a similar system has been to a considerable extent adopted throughout the United Kingdom.

"The establishment in Her Majesty's Indian Empire of a system of Prison Discipline founded on the same sound principles, is the object which the Committee has in view in thus addressing you. Of the existing evils in the Gaols of India, evils great and even terrible, the Committee can have no doubt, after hearing the information detailed to it by eye-witnesses who have recently quitted that country. This evidence is, moreover, corroborated by the facts stated in printed official reports.

"For example, it must be conceded that the separation of criminals at night is an essential element of sound prison discipline. Now the Committee learns that throughout the Gaols of India there are but few separate sleeping cells, sometimes as many as forty or fifty prisoners being locked up together, generally for twelve hours, and that without light. Under such circumstances it is no wonder that the prison officers find it impossible to prevent grievous moral contaminations, and even heinous crime.

"The Committee also learns that hardly any provision exists for the instruction of the prisoners, either by the appointment of suitable schoolmasters, or in any other way. It is obvious that religious teaching cannot be given to Native prisoners; but this makes it the more important that they should have the benefit of moral training, and of the elements of education.

"The case of the female prisoners seems to be even more deplorable than that of the males; since they not only suffer the same evils, but have the additional disadvantage of being left without any warders of their own sex, and in a great measure without care or help in their wretchedness.

"The Committee is informed that in many gaols there is enormous crowding, and other evils incident to the unsuitable condition of the buildings, which frequently have been erected for other purposes than that for which they are employed. There is consequently a very high mortality. The Gaol Report of the Madras Presidency gives a death rate of 12·944 per cent. per annum.

"Hardly any provision seems to have been made for the reformatory treatment of young offenders in India; yet the contaminating nature of the gaols, and the known increase of juvenile crime, make the establishment of reformatory schools an urgent necessity. To you, Sir, the Committee need not quote the beneficial results which have followed the institution of reformatories in this kingdom, for you have been one of the most consistent, as you were one of the earliest supporters of that system.

"The Committee is aware that the evils above described have long been the subject of anxious consideration by the Government of India, and that some ameliorations have been at various times effected; but the difficulties in the way of improvement seem to be too great to be surmounted by the means hitherto employed. The principles of convict treatment which have been adopted in this kingdom do not seem to have found their way into India. At this moment several new gaols are contemplated, and central prisons for long-sentenced prisoners are in course of erection; yet even in these the provision

of separate sleeping cells for all the prisoners does not form part of the arrangements, nor is the Committee aware that the gaols generally are being constructed in a manner suited to the adoption of a sound system of discipline. Immediate action seems, therefore, to be urgently required to prevent the expenditure of public money in a way which may hereafter be deeply regretted. With this object in view, the Committee ventures to suggest that a Commission, constituted of some person or persons thoroughly versed in the improved treatment of convicts, be sent to India to co-operate with the Government there in the establishment of a proper system of prison discipline.

"The Committee need not point out that a salutary treatment of prisoners leads necessarily to the prevention of crime and consequently to an economical saving both to the Government and to the whole community. On this ground alone the Committee might be justified in calling your attention to the subject; but there are higher considerations than this; those of the welfare of the immense population of India, and of the moral duty which devolves on our nation to care for the interests of our Indian fellow subjects. These, Sir, have impelled the Committee to address you thus earnestly, in the full conviction that its representations will receive from you a favourable hearing."

The deputation who presented this Memorial on the 5th June last were most favourably received by Sir Stafford Northcote, and it is hoped that some active steps may be soon taken by the India Office to remedy the evils complained of. It is probable that the Association will resolve to address its attention more closely than it has hitherto done to the social condition of our Indian fellow-subjects; and it will doubtless manifest its desire to co-operate with the Association recently founded in Bengal for objects similar to its own, and on a basis carefully modelled after its example.

The Rev. Walter L. Clay, having obtained ecclesiastical preferment, has resigned the office of Secretary, to which he was appointed in May, 1866, on the retirement of Miss Isa Craig. The office has been thereupon abolished by the Council.

The loss sustained by the death of Mr. Robert Culling Hanbury, M.P., Chairman of the Reformatory Section, has been already noticed. Sir Charles Hastings, who was President of the Health Department at the York Congress, Sir Villiers Surtees, and Mr. Serjeant Manning have also died within the twelvemonth past.

The Eleventh Congress will be opened at Belfast on the 18th of September next, under the presidency of Lord Dufferin.

GEORGE WOODYATT HASTINGS.

Opening Address,

BY THE

RIGHT HON. THE EARL OF SHAFTESBURY, K.G.,

PRESIDENT OF THE ASSOCIATION.

HAVING already fulfilled the respective offices of a Vice-president and President at two of the meetings of this Institution, if I be asked a reason of my re-appearance on the present occasion, the answer thereto will be very simple.

First, Lord Stanley, who had been appointed to the distinguished honour, was called away to exercise his high talents in discharge of the duties of Secretary of State for the Foreign Department; and,

Secondly, Lord Brougham, who has so often and so powerfully occupied this chair, pleaded in refusal, the increase of age and infirmities, desiring some little repose after his brilliant and laborious services. However deep our regret, the appeal was irresistible; and the committee,—though sure that it was difficult to find a successor, and impossible to find a substitute; and while convinced, moreover, that the noble lord, differing from so many men, who at times are able but not ready, and at others ready but not able, would here be, as usual, both ready and able in any effort of science and intellect,—gave way upon the point, and followed his judgment rather than their own.

By this time the session was very far advanced; most persons of note had quitted London—the choice was necessarily limited; and the request was addressed to myself, with which I complied, because, although weary from labour and other causes, and in many respects unfit, I wished to show that I had not forgotten, and that I never could forget, the people of Lancashire.

We are now about to celebrate our tenth anniversary, and we may be summoned to show cause why our existence should be prolonged: we may hear that the questions are exhausted,

and the perpetual repetition of the same details is wearisome and useless. But let it be observed, that the repetition of the same details is not in the same places and before the same audiences; and, even if it were so, there steps in the language of the Apostle, "to write the same things to you, to me, indeed, is not grievous, but for you it is safe;"—safe, because we speak of things which come home to every man's life, and almost to every man's bosom—things which cannot be neglected, if ignorantly, without danger, and, if wilfully, without both danger and crime.

It is true, no doubt, that we have given to the world several volumes of *Transactions*, abounding in most valuable reports of our discussions and proceedings. They are rich in argument and facts on all the subjects embraced in our programme; and were the curious and the sympathising disposed to study them we might be spared, for some time at least, any further efforts in this direction. But such is not the case, and we must trace it to a spirit at all periods strong, but peculiarly so in our own generation—a love of things actually or apparently new. An old thought, an old fact, an old inference, dressed up in a new garment and presented in a fresh light, has all the charm of novelty, even to minds well conversant with the subject; and hundreds, no doubt, who would shrink from the dull and solitary pursuit of facts diffused through numerous and bulky octavos, are fascinated by the human voice in the delivery of eloquent addresses, or in the lively, vigorous, and profitable discussions that follow so frequently on the close of the several papers.

But, though we have old subjects, see how constantly we are aided by new men—and herein lies one great advantage of our system. Latent science, latent zeal, latent energy, latent intellect, latent, through diffidence, want of opportunity, or subject-matter, are brought to the light of day before your assembled congress. Each one who has contributed an essay, or taken part in the deliberations, returns to his home, and becomes recognised as a centre of influence and practical knowledge. Thus the spirit and power of active service are widely diffused, silently working in times of health, but prompt and loud in times of disease; and I cannot but attribute, under God's good providence, the suppression of the late epidemic, in no small measure, to the larger views, the readier knowledge, the greater capacity for imposing discipline, or submitting to it, and to the faculty, so recently and so advantageously exhibited, for immediate and effective co-operation among functionaries and volunteers, professional and unprofessional persons—all which issues have sprung from the exhortations we

have uttered, the lessons we have given, the facts we have adduced, the proofs we have instituted, and the healthy and enlightening circuit, as it were, of our Judges of Assize, who go forth, year by year, to set at liberty a legion of physical and moral truths, long and hopelessly despised or imprisoned by the ignorance or indifference of our forefathers.

It is said in many quarters, "the Congress has exhausted the subject, but nevertheless it has devised no cures." The second part of the sentence thus refutes the first, for the whole thing then remains to be done. So far from having exhausted the subject, we have barely penetrated the outer crust, nor will our real difficulties diminish, as in the physical sciences, with improvements of knowledge. It is impossible for us to lay down our formulæ, as in chemistry, astronomy, and geology, to be obeyed and relished the moment they are reduced to actual demonstration. In our pursuits the moral and physical elements are closely, intricately, and inseparably combined. We shall probably break up, this very session, having established to our hearts' content, and that of all thinking people, the necessity and practicability of many things essential to the bodily and mental welfare, nay, safety, of millions, all to be set aside or ignored, as the phrase is, with some honourable exceptions, by vestries, boards of guardians, and every form, pressure, and kind of single or associated proprietors.

To pause, however, in our career, would, on the part of science, be a pusillanimous confession of defeat; but on the part of humanity and morals it would be a resolution no less perilous than disgraceful.

Nevertheless, some care is required in the opposite direction. I may be wrong, yet I cannot but suggest a little hesitation before we embark on questions that are simply political or imperial. I have been urged to lay before the congress, irrigation in India, bribery at elections, treaties with foreign nations, and many other points of a similar character. But, first, I have no wish to see our gatherings converted into parliaments; and secondly, we have enough on hand to demand, and to occupy, the activity of at least two-thirds of a generation.

The President of the day is, I conclude, expected to say a few words, in the nature of a charge to the jury, on the several subjects to be handled in the various sections. For my own part I approach not a few of them with fear and trembling, feeling, in my ignorance, that the "safest eloquence concerning them is my silence;" and that in matters of law, the first here on the list, we unprofessional persons are tempted some-

times to take a common-sense view of the question; and then we are sure to be wrong. So, leaving the important principles and graver details to the enlightened and distinguished men appointed to this department, I will simply notice one or two heads that have fallen occasionally under my own observation.

A great and startling problem is proposed, "What are the best means of preventing Infanticide?" I am glad that the subject is introduced, and that the congress scouts the assertion made, I regret to say, not very long ago, by two eminent persons, that to institute such an inquiry, was to institute a libel against the women of England. The crime has attained to formidable proportions, and may not, in decency, be disregarded. We have not yet sufficiently examined and methodised the many, various, and complicated causes that lead to the perpetration of it by interested agents, or the palliation of it before juries. My own opinion is, if I may venture to say so, that, in a state of the population, where infant-life is not, as in vigorous and growing colonies, of high marketable value, the law will do but little. The Bill of last session, which did not pass into an Act, offered one excellent provision; and a strict registration of all reputed to be still-born, might give us some further security. But we must not rely upon statutes. The nostrums of some reformers are unfit to be discussed; and I hope that, without much weightier arguments, we shall place very small confidence in Foundling Hospitals.

The coroner's court is a most valuable and ancient institution; and every one will acknowledge how many admirable men we number among its officers. But still, we may ask, whether the proceedings are not oftentimes slurred over to the miscarriage of public justice, particularly in cases where no public excitement has preceded the inquiry. We may ask, too, whether the substitution of a fixed salary for a fee, does not, in many instances, virtually prevent the establishment of an inquiry at all?

Are we right, I put the question with diffidence before men so skilled in jurisprudence, to exhibit such extreme, and almost inviting, lenity towards crime and violence, in some instances, simply because the parties are young? Is it wise, is it just, to encircle property with such severity of protection, and visit offences against the person with comparative indifference? It may be so; but the public would be glad to hear the reasons from high and competent authority.

The subject of education will be so well handled by our liberal and enlightened friend, Mr. Bruce, and his coadjutors, that comment of mine on its principles and practice would

certainly, be superfluous, and might, besides, be considered arrogant. But I cannot refrain from a few words of gratitude and joy, when, by the blessing of God, I review the past, and compare the state of the infantile population in factories, collieries, mines, and other trades, with that which "shocked our eyes, and grieved our hearts," some five and thirty years ago.

Thanks to a merciful and Almighty Providence, we have learned, and learned by happy experience, that labour, manual labour, the lot which He has, in His wisdom, assigned to the vast majority of our race, is not incompatible with the highest moral dignity of man. Thousands, nay tens of thousands, under the limitation of the hours of toil, are receiving a sound and effective education; the young by frequenting the schools, the adults, both male and female, by the improvement of their opportunities to advance in moral, domestic, and literary acquirements.

The alternation of work and study, in due succession and relief, the half-time system, as it has been called, is alike healthy and fruitful. The mind is not depressed by the labour, but the labour is invigorated by the refreshment of the mind. Do we not all feel the principle of it in ourselves? Its practical and most blessed effects we see in all the mercantile occupations governed by the provisions of the Factory Acts. We see it in numberless industrial schools in London and elsewhere. If you doubt the assertion, study the Reports of Messrs. Baker and Redgrave, and their efficient officers, the sub-inspectors; study it in the Reports of Messrs. Chadwick and Tufnell, in their accounts of the metropolitan scholastic establishments.

A short time back the excellence of the system came before my eyes in a very prominent way. I visited the Potteries in company with Mr. Inspector Baker, to whom we owe so much, so very much, of this successful issue. I need not describe to you the bodily and mental degradation, in former days, of that neglected district, the state of the places of work, the dust, the insupportable heat, the prolongation of toil through the day and through the night, the utter ignorance, the gross immorality, with all the evils that attend on a defiance of the material and spiritual laws of nature. They are all set forth at large in that true bill of indictment against the English nation, the five Reports of the Children's Employment Commissioners. But how is it now? Though the test has, as yet, been only partially applied, the scene is changed. Two thousand children are at school on the half-time system; and two thousand children are thus exhibiting the results of mercy-consideration, and love. The evidence of the teachers who

knew them before, and who know them now, is wonderful and heart-stirring.

The half-timers are equal, nay, oftentimes superior, to the whole-timers, that is to say, those who study and work, surpass those who study, and do not work at all. Of this we had a forcible proof in the past year, when the half-timers of the several schools distanced the whole-timers, in the race of competition; and, in almost every instance, carried off the prizes. The reason is obvious; the character of their toil demands accuracy, precision, constant, unwavering attention, and prompt obedience; and everything must be seized at the moment, because nothing can be recovered. Unbroken, unwearied after moderate toil, they bring their habits with them to the school; and the discipline of pots and pans, humble as it may appear, is found to be nobly instrumental to the acquisition of letters and learning.

"I was opposed to the measure," said one of the intelligent schoolmasters, "but a few months have given me a totally different view. Formerly as I went through the streets, I heard nothing but oaths and cursing, blasphemies and obscenity, from children of the tenderest years. But now I hear nothing of the kind; the boys touch their caps; and the girls drop their curtsies, and all try to exhibit affection and respect."

This I can confirm by personal observation. When I went into the schools, and talked to them of their books, of the course they had begun, of the hopes they entertained, and of the thraldom from which they had been delivered, their eyes sparkled with confidence, freedom, and joy; and I blessed God—who could help it? and I blessed the legislature, and I blessed the employers, and I blessed the schoolmasters, and in my satisfaction, I blessed everybody for the glorious sight I had been permitted to witness.

All, however, is not achieved. There is much land yet to be won. "Let not him that putteth on his armour, boast himself like him that putteth it off." I appeal to you on the behalf of fourteen hundred thousand children, women, and young persons, still under the slavery of cruel and oppressive trade, who are, to this hour, without the pale of legislative protection.

But while I leave the remainder, I must dwell for a moment on the abominations of the brickfields. Let the hardest heart that can be found in England visit those spots, and if he be not moved, he must at least be ashamed of his sex and of his country. There the female seems to be brought to the lowest point of servile ignorance and degradation. Hundreds of little girls, from 8 to 11 years of age, half-naked, and so besmeared

with dirt, as to be barely distinguishable from the soil they stand on, are put to work in these abodes of oppression. Bearing prodigious burdens of clay on their heads, and in their arms, they totter, to and fro, during many hours of toil. When I spoke to them, they either remained aghast with astonishment, or ran away screaming, as though some evil spirit had appeared to them. I could not restrain my indignation, nor can I now, at this wicked scorn of female rights, this wicked waste of female excellence and virtue. Mothers and wives they can never be in the high and holy sense of those words; and yet, were they trained to decency and truth, might there not be found some to equal the priceless heroism of Lady Baker, or the Christian intellect of Mrs. Stowe?

Is it possible in Manchester, (Manchester so high and proud that she professes to have a school of her own,) to pass, without notice and rebuke, another terrible phase of human suffering? The law has already denounced the crime and cruelty of the system of climbing-boys. Why then is it still found in so many cities and places boastful of their wealth and civilization? Which of all our national sins is more atrocious, more degrading, and so little justified by the plea of necessity? The evidence cannot be stated here, it is recorded at large in the Commissioners' Reports. But this fact I will adduce for your consideration. When England, a few years ago, took a high and noble tone in denouncing American Slavery, an accomplished and zealous lady, of the Southern States, alluding, in a tale called "Tit for Tat," to the wretched chimney-sweepers, upbraided us with our hypocrisy that, while we had so much sympathy with the blacks, we had none whatever for our own white children. America, God be praised, has purged herself of that foul stain. Let us be as forward and as true; and let not the young Republic put the ancient Monarchy to shame and confusion.

The subject of the education of children in the agricultural districts, is one of more difficulty, not in reference to the principle, but in respect of the method and details. The want of the agricultural children is not so much a better education as that a longer period should be devoted to it. Many persons of experience have known children very well taught up to 7 or 8 years of age, then called away to daily labour, and, in consequence, so unmindful of their former studies as, by the time they are 16 or 17, to have wholly forgotten almost the very letters of the alphabet. The introduction here of the half time system is neither necessary nor practicable; it is not necessary in the sense of overtoil, unhealthy occupation, or danger to life or limb; and it is not practicable, for the

children do not work, as in manufactures, congregated in large masses—they are separated in twos and threes at considerable distances from each other, the places of labour are far remote from their school and their dwellings, so that the whole day would be expended in effecting the exchange of the students and the workers. The evening classes, with some exceptions, are hardly a supplement to this defect, for during the fine months the lads prefer the open air, and when the winter has set in, the heavy rains, the bad roads, the long distances, and the dark nights, and where a separation cannot be effected, the dislike of the adults to be found with the youths in the same place of study, all back up and aid the general indifference to books and learning.

Yet the question must be wrought out. I have myself a plan which, I admit, will require trouble, will cost a little money, and may, after all, prove a failure. I may be exposed to severe criticism, but it is worth a trial. I should propose two sets of lads each to work and study on alternate days. I propose it simply as a principle, to be subjected to many modifications in practice. At any rate, while we keep this class in view, let us go forward with the other, and not listen to the resolution, as illogical as it is cruel, that nothing shall be done to relieve the miseries of the children in trades, because there is a defective education for the children in agriculture.

Essential, and indeed, indispensable as is the section on public health in any meeting of our congress, it need not be dwelt upon in an opening address. The subject has excited a deep and general interest. Almost all the causes of mischief have been dived into, and brought to the surface; and remedies of various kinds have been suggested for their cure. The legislature too, by the Act of last session, has declared that a wider activity must be exercised by the Government, and larger powers be confided to it. But there are yet two points on which the executive is nearly impotent, and those of the greatest consequence to the labouring poor—the wretched supply of water, and in the widest sense that can be given to the term, the adulteration of food. Let us hope, and let us work, in this very congress, that another year may not elapse without an effectual abatement of these monstrous inflictions.

But the master evil which nullifies every effort for the benefit of the working people, which leaves us no rest, and on which let us take good care that the public also has no rest; the evil that embraces and intensifies all the others; the hotbed of pauperism, immorality, disease, and drunkenness—drunkenness alternately the cause and consequence of disease—the evil that is negative in preventing every improvement,

and positive in maturing every mischief; that lies at the root of nineteen-twentieths of the corruptions that beset our social state, and forms the crowning abomination of the whole, is the domiciliary condition of many thousands of our people. But we must look not only to the pestilential character of the actual dwellings, but to the unventilated, fever-breeding localities in which they stand; the dark, damp, and narrow alleys never visited by a ray of the sun, or a breath of fresh air. To describe these things is impossible. They must be seen, smelt, tasted, in person. Dirt and disrepair, such as ordinary folks can form no notion of; darkness that may be felt; odours that may be handled; faintness that can hardly be resisted, hold despotic rule in these dens of despair. There are hundreds where there should be tens; and thousands where there should be hundreds. The overcrowding is frightful, it disgusts every physical and moral sense; and the more so when we see it as a growing, not a declining, evil. The numberless displacements, past, present, and to come, fill the poor people, and us too, with terror and perplexity. And, as though this were not enough, the countless hosts in London ejected from their homes, and endeavouring to find shelter in dwellings already occupied, and abounding with life far beyond every limit of decency, health, and comfort, are encountered by some 40,000 immigrants annually, who are seeking the same accommodation, and contribute, along with other causes, to heap family upon family in these bursting tenements, to lower the rate of wage, and yet raise the rate of rent, for the great mass of the unskilled labourers.

Is there no remedy for this? None that I can see, except a new fire of London to sweep away all these filthy regions that must be destroyed to be improved, and then a vast and liberal contribution from all sorts and sizes of men, to erect the city on a basis of health and humanity. Four-and-twenty years of experience in the matter have led me to no practical conclusions on a large scale. We have built model lodging houses, and, so far as they go, they are a blessing to the people. But "what are they among so many?" They yield every return that a mere philanthopist can desire, but, financially, nothing that could tempt the large capitalists, who seek a remunerative investment for their money. The price, too, of land is rising mightily; and the great increase of wages among carpenters, masons, and bricklayers, is a very heavy addition to the cost of building, and, by consequence, to the amount of the rents. Houses are springing up around the cities, it is true, but they are altogether for workmen of large weekly receipts. Suburban villages are proposed with penny trains, but the objections

made to them are endless, principally by the women, who assign to me very sound and business-like reasons for refusing to quit their ordinary abodes; and, indeed, were they to do so, the public weal would be little served thereby, for the filthy tenements (unless a wholesome system prevailed to pull down in proportion as you build up) would instantly be seized by a herd of occupants, and all the mischiefs be perpetuated, and probably increased. It is necessary, moreover, that many classes of skilled workmen should have their dwellings within hourly reach of their principal and of each other. To these the suburban village and the penny train are of small use; nor, in truth, to any but those who have fixed hours, fixed places of work, and good and certain wages. To the labourer who lives from hand to mouth, hunting around for a job, hanging about the docks, the yards, the shops, the courts, always uncertain of the amount of his gains, and sometimes uncertain of any receipt at all, "rising early and late taking rest," the railways and the residences are utterly worthless; and yet these classes are the vast majority of the ill-housed population. For these, our model buildings have done nothing, and can do nothing; no one of the schemes hitherto propounded, no one of the Bills submitted to parliament, holds out even the shadow of a promise. Suppose it be ordained that tenements shall be built, it follows, of course, that they must be constructed with everything that health and decency requires. But who of this class of the people will be able to meet even the lowest rate of the new weekly payments for family houses? And if constructed on a plan of single rooms, the utmost that these casual labourers are able to afford, we shall perpetuate, by law, a system of life, subversive of every moral and physical obligation.

I will refer to but one mode among the many which have been devised for the amelioration of this state of things. A society, of which I am president, has executed several works in the way of the adaptation and conversion of existing tenements. Single houses or entire courts and alleys have been repaired, white-washed, and ventilated—drains have been fitted to the main sewers, pavements laid down, and a due supply of water provided. The accommodation, no doubt, is not equal to that which is given by new buildings, but many of the happy issues are obtained by it, and the benefits are effected at about one-seventh of the cost of fresh constructions. This plan, though qualified to effect improvements on a large scale and at a cheap rate, has not, I am sorry to say, found many imitators: but hear the result in a single locality. I had long coveted a court in a sad part of London, because I knew it to be a hotbed of fever, violence, and immorality. One house

alone had produced twenty-two cases of fever in twelve months. At last, by the liberality of a widow-lady, I obtained possession of it. The society went to work, and achieved its purpose—turbulence and disease were banished. The medical man of the district writes, "fever is unknown in this once pestilential court;" the police officers assure us that, whereas in former days the constables never dared to enter it but in twos or threes, they now rarely find it necessary to go there at all. And the whole of this has been done in such a way that the inmates enjoy a vastly increased accommodation with no increase of rent, and the society receives upon its outlay a return of at least nine per cent.

Such, amidst abundant advantages and blessings, is the social state in things material of many of our fellow subjects. We need not, however, dwell longer on these details,

> "Quis aut Eurysthea durum,
> Aut illaudati nescit Busiridis aras?"

But may we not lift up our eyes a little above the level of laws and regulations, codes, and edicts, and see whether there exist not motives of action, motives of universal impulse, of greater power, and more adapted to the wilful individuality of the present times? Is there nothing in the human heart, in the human intelligence, in the human consciousness, to which we may appeal, to beget a higher and happier public opinion, in which we might, as it were, "live and move and have our being;" not as a substitute for statutes and enactments, but to inspire, direct, and govern that, which statutes and enactments can never reach? Is it vain to hope that common sense may, hereafter, exercise, not an absolute, perhaps, but a wider, influence among civilised peoples, and teach them that, nationally and internationally, men do not dwell securely, and thrive, by the misery and degradation, but by the welfare and honour of each other? It may be vain; but it is not vain, in gatherings such as these, to proclaim the truth, to discuss its practical character, to cherish and desire it. And yet I am aghast, when I observe that, in all the exhibitions at home and abroad, compounded of the products of the various regions of the earth, rifles and cannons, swords and torpedoes, with the manifold munitions of war, occupy a broad space in the temples professedly devoted to art and science. I ventured a similar remark at the Statistical Congress of 1862; and the same thought has been stated in the present year by that eminent engineer, Mr. Hawksley, who seems to think that the great bulk of the inventive and mechanical faculty is, for the

moment, directed, almost exclusively, to refine and perfect every instrument of destruction. I do not say this in any craven spirit of submission to foreign nations, or that we should make ourselves naked before our enemies—out upon such a notion! but simply to express a wish that they would listen to our appeal, and entertain thoughts as far remote, as our own, from insolence or aggression.

Does the Atlantic cable teach us nothing? Has a merciful Providence established an intercourse between two nations of the same race, with kindred institutions and common interests, only that we may hear of "wars and rumours of wars," give or receive orders for every military service, hurl defiance at each other, and pervert that which was intended for our peace into an occasion of falling? This mighty result of intellectual and moral power has begun its career with mutual words of congratulation, friendship, thankfulness, and joy. May no other spirit ever pass along its wires, and may "it lead the rest of its life according to this beginning!"

But turn to contemplations more purely national. Why are our colonial fellow-subjects, when they visit our shores nearly strangers in the land, and find not hospitality at every corner? Do we despise their loyalty, depreciate their affection, or shut our eyes to their mighty future? Very far from it. Our neglect is the result of ignorance; and we lose, by listlessness and inattention, the happy means of binding together all regions under Her Majesty's rule, with a reciprocal esteem and regard, conducive alike to the dignity and freedom of the children, and to the honour and benefit of the mother country.

But this is applicable, with no less force, to our fellow subjects from the East. India is making prodigious strides, not only in material but moral progress. Her sons come hither from every presidency and every province; they enter our colleges, inns of court, and schools of science, in preparation for professional career in their own country. They dash boldly into competitive examination with the European, and not unfrequently carry the day. In sense, justice, policy, in the spirit of Christianity, are these men to be overlooked? Attentions shown to them in England strike a chord that thrills through the whole of Hindostan. Their manners and conversation are graceful, their thoughts high, and their views of the blessings of the British rule sagacious and solid. It is from this rule that they forsee the welfare of their fellow-millions. "Abolish "polygamy," said a number, as they stood around me; "edu-"cate our women, raise them in the scale of life, and make "them what all women should be." I ask you, was not this

"Social Science?" Have we announced, shall we announce, the Gospel alone excepted, a greater truth for the comfort and civilisation of mankind?

Surely we may have a larger sympathy, a demeanour less cold and formal, expressions more genial and cheering, with more of our common nature, towards those who live in our service, or whose labour we employ, or whom among the poorer classes we may visit at their homes, or meet along the road. We read in the book of Ruth, that Boaz said to his reapers, "The Lord be with you;" and they answered him, "The Lord bless thee!" The sentiment may ever be in our hearts, though the practice of it must be regulated by opportunity.

To enunciate, diffuse, and enforce such views, we must look to the aid of the most portentous engine that ever existed, the public press, an engine with such unprecedented capacities for good or evil, that it can hardly be regarded as a simply human power. It is idle, I think, to assert that its influence is less than in former days. The influence of the press, in all its various forms and ramifications, of journals, pamphlets, and periodicals, has increased, is increasing, and can never be diminished. Doubtless Social Science has some business here; how we may act I cannot say; but what we should desire is to see the press entrusted to the stoutest intellects, the highest morals, and the truest hearts in the country. The spring-tide of self-confident democracy is now nigh at hand; and I see no other hope save this (and it is a feeble one) for national and individual liberty, for external and internal peace, and for the grand, though homely, issue, of "Live and let live." But the editors of the British journals (and let me include those marvellous men, the body of reporters) have never been deaf to the claims of humanity and justice, to cries such as those which are sent forth from these halls—nor will they be so now, when we appeal to them to do that which no statutes, no edicts of Privy Council, nor Acts of Parliament can achieve, to reprove, rebuke, exhort, with all vigour and perseverance. Public opinion may lead to good laws, or supersede the necessity for them, and so avoid the abundant variety, and complication, of enactments which eventually break down, or fall into disuse by their minuteness and extent. Is it not a frightful condition of things that, here in the nineteenth century, we are compelled by disclosures which astonish and shock the inmost

almanac!" And is it not frightful when we consider that the vast proportion of these intolerable tribulations, to which the children are subjected, are in all cases permitted, and in many cases inflicted, by the parents themselves! The law has stepped in and rescued many; the law will again step in and rescue many more; but I tremble, I confess, for the efficiency and permanency of any machinery, that is "cabined, cribbed, confined," by the union of money-interests, perverted natures, and the mercenary belief that as godliness is gain, therefore gain must be godliness. Turn your thoughts to the numerous females, some 600,000, engaged in the various departments of dress, from the royal milliner to the most abject sempstress. Their sufferings have oftentimes excited the deepest emotion. Restrictions and regulations are demanded. But in this matter who can invent them? And, if invented, who can enforce them? A more considerate spirit, a more enlarged sympathy, and a profounder and more practical appreciation of "do as you would be done by," would stay the cries of these unhappy victims, and leave our legislators but little to do.

Turn your thoughts also to this fact, and weigh it well. These terrible sorrows, to a great extent, do not spring from the necessities, but from the luxuries of man; the luxuries, not of the rich alone, but of every class, from the peer to the labourer. Read the tales of woe of those who toil on the apparel of the wealthier circles, nor omit the records of the needlewomen and the slopshops; read the almost incredible narratives of all the disease and death that taste and the love of show inflict on children and females in the manufacture of lace, in straw-plaiting, in cheap jewellery, in artificial flowers, in button-making, and a hundred other callings. The mass of the people at large, and not a select few, maintain the demand for these adjuncts and embellishments of human life.

I do not say this in a vain hope, or even with a wish to restrict the tendencies of the age, and introduce a new science of political economy. I only implore you, in your meditative moments, to reflect how far such things are necessary, and whether by thoughtful and convenient arrangements, while the enjoyments of the consumer will not be stinted, the happiness of the producer may not be very greatly advanced.

It is now time to conclude. But there are some, I fear, who will reply that I have entered on a high flight of speculation, and have left terrestrial difficulties too far below. Nevertheless, "it is good for us to be here." It is good for murmuring man to see how much of the misery that he suffers or inflicts is due to himself, and how little to the decrees of a merciful Creator. It is good for him to see how the principle

Address.

BY THE

RIGHT HON. LORD BROUGHAM,

PRESIDENT OF THE COUNCIL.

THE painful duty once more devolves upon me of opening the address of the Council with a notice of our losses since the last Congress. Of these, the latest is also a severe one, in Sir Charles Hastings, who, beside his relation to our worthy secretary, was one of our most eminent colleagues. His great position, his distinguished fame in the medical world, and his rare kindness and humanity in the exercise of his profession, are lost in the service he rendered the medical body by founding and conducting the British Medical Association, which has placed medical and surgical practitioners in their just position, and given rise to the most important provisions for the extinction of irregular and pernicious practice. But his labours in the investigation of physical science, and his foundation of the Natural History Society of Worcestershire, showed how little his studies were confined to the profession of which he was so distinguished an ornament. The world, and social science especially, has sustained a great loss in the death, though at an advanced age, last April, of Lord Glenelg. After an intimate acquaintance of sixty-five years, I can truly say I never knew a better man, and very few abler. He was a most accomplished scholar, a learned man in all respects, a distinguished orator, a minister, whose sound views and most able administration were thankfully acknowledged, even by the colleagues whose treatment of him was so unjust, and to themselves so disgraceful. Above all, he was a man of spotless integrity, both in his public and private capacity, of deep and well-considered religious opinions and strong religious feelings, but never for an instant sharing the intolerance of others towards those with whom he differed most widely, and firmly resisting all the aggressions of bigotry,

pected, and must be admitted to have been quite unnecessary. It is, however, manifest, that as long as there is no judicial department, nothing effectual will ever be undertaken for the great matter of law amendment. What is everybody's business is proverbially nobody's business; and the heads of the law are quite enough occupied in administering it as at present constituted, besides that they are, unfortunately, for the most part averse to any change. Many years have now elapsed since our eminent colleague, Mr. Napier, before he became Chancellor of Ireland, carried in the House of Commons an address for the establishment of a judicial department, which received a favourable answer from the Crown; and, if the promises then given had been performed, the institution would, besides many other advantages (among the rest, the affording an efficient council to the Home Secretary, in the discharge of his most delicate and difficult duty of advising the Crown on the remission of punishment), have assured the undertaking of the needful improvements in our legal system. Our learned and excellent colleague, Sir Eardley Wilmot, has prepared a plan for a Law Amendment Department, the particulars of which it is to be hoped he will transmit, should his judicial duties unfortunately prevent his attendance at the Congress.

The same negative which applies to the formation of a judicial department must unhappily be given as to almost all other law amendments. Among others the important subject of Reconcilement has been once more passed over, although a admirable plan was suggested, and its details proposed by M' Kerr, the able and learned Sheriff's Court Judge, and so fran as to meet the principal objections by providing that in cases reconcilement should be optional to the parties. T great success of Conciliation in other countries, especiall Denmark and the Danish colonies, renders this repeated ponement truly vexatious. The prevention of useless, a many instances oppressive, litigation has been truly rema in those countries—as many as 29,000 out of 30,000 suit menced were in Denmark thus settled without being b to trial.

The report of the Commission for Inquiry into th subject of capital punishment has been printed, and important from the great body of information which it both on this and other countries, and it is much to be r that the material recommendation of the report again executions, though sanctioned by the Upper Hous somewhat warm opposition, has not been adopted ment. The more this subject is considered, the ex

the change thus introduced into the execution of the criminal law will be more fully admitted.

The great defects in the law of evidence so often pointed out still remain not only without remedy, but without any real defence. The exclusion of parties in cases before the Divorce Court, after the impressive argument of its learned and enlightened judge, still continues. Their exclusion in such cases was a provision forced upon me in passing the great Act for the examination of parties in all suits, and this was repeatedly stated on my authority by the present Chief Baron, Sir Fitzroy Kelly, when a member of the House of Commons. The other provision which he strenuously urged of the right to a jury of all parties in suits for divorce and for legitimation also, was not perhaps sanctioned by the same judicial approval, but was most ably maintained by him. Another most important extension of my Evidence Act has met with repeated discussion and postponement, notwithstanding the modification adopted of confining it, at least in the first instance, to cases of misdemeanour. It was the main ground of Mr. Bentham's charge against our law of evidence that we excluded the persons who know most of the facts. That grievous defect no longer exists in civil suits, but in criminal cases we still shut out one party while we hear the other party, and the evil must continue while our criminal procedure remains without a public prosecutor, one of the greatest defects in our system.

The consequences of excluding the accused party have been often shown, and petitions to Parliament have strongly expressed them. A person is charged with an offence when he could at once explain all the circumstances and show his entire innocence, and that the whole prosecution is a malicious proceeding, but his mouth is shut while his accuser is heard. Then he has the choice either of an action or an indictment; of course he prefers the latter when he will be heard and his accuser's mouth shut. Nothing can be more absurd than such a state of the law. The French course of proceeding in this respect is carefully to be avoided, being one of the worst parts of their very bad criminal procedure, the examination of parties accused by the judges at their trial, and their exposure to the moral torture of this judicial examination. But it was always proposed that with us the examination of the person accused should only be taken upon his voluntarily tendering himself, and being willing and desirous to undergo the sifting of a cross-examination. It must be added, that each renewal of this proposition has shown a considerably increased inclination towards its adoption, more especially on the modification suggested of confining it for the present to cases of misdemeanour. The great amendment in

the law of evidence, by my Act for examining parties, would thus be rendered complete, if also extended to cases in the Divorce Court.

Of the many deficiencies of the late session, one was the not passing an Act to amend the optional clause in the County Courts Act. The importance of the jurisdiction of these courts has long been admitted even by those who were at first adverse to them. The number of suits which they determine is prodigious, and so far they are a relief to the Superior Courts, and a most valuable benefit to the suitors. The numbers have increased since their foundation. In 1863, they had increased since 1855, in the proportion of three to two, the number of plaints being above 800,000 for above £2,000,000. The last return makes the number of plaints for 1865, no less than 782,849, and for sums of £1,847,000. Now the optional clause is so framed as to require the previous consent of both parties; and as the one would refuse what the other proposed, merely because he proposed it, the clause has had very little if any effect in extending the jurisdiction to other cases in kind and in amount; whereas, if the suitor could begin for a larger amount and for other objects, it is certain that the great facilities afforded by the local courts would induce the defendant to acquiesce. A very material increase is thus withheld from that most valuable jurisdiction by the delay to make this obvious improvement.

But lamentably unfruitful of measures as the last session has been, the Commons have issued important commissions for inquiry into the scandalous scenes of corruption which too many of the late elections have displayed; and without entering into the details, we are bound, on the mass of evidence collected, to conclude that in several considerable boroughs the grossest bribery has prevailed, and the inquiry, it is to be feared, has not been without showing the accompaniment of flagrant perjury. It is quite clear that in some places the right of voting is considered almost only of value as the means of obtaining money for votes. No question can be raised, although we see this attempted, as to the gross criminality of the parties, both the candidates and their agents and the voters; nor is there the least common sense in the allegation that the voters cannot be made to regard selling a trust—which a vote is—for money as criminal. They must be made to regard it as such by the infliction of severe punishment, and the candidates and their agents must also be punished. It is certain that bribery can only be stopped by sending those who give and those who receive bribes to the treadmill, like other offenders. The desire of having a seat in

Parliament is strong enough to make men despise all pecuniary penalties, but it is not so strong as to make them run the imminent risk of the treadmill; and this fear, though much less effectually, will also tend to deter the voter. So it was when in 1811 my Act making slave trade punishable as felony, extinguished that execrable crime, which all pecuniary penalties and the loss of ship and cargo had not effected, for as the gains of one adventure covered the other losses, the traders willingly ran the risk: but men would not risk their condemnation as felons. I well remember the year after at the Liverpool election I was strenuously opposed by slave traders, of whom I had said that when this abominable traffic was ended, they could turn their hand to highway robbery. If the Commons are really in earnest and wish to destroy bribery, as we must suppose they do, their course is clear, and we cannot therefore doubt that they will pursue it.

Nothing can be more satisfactory than the working of the Act passed under the sanction of Lord Carnarvon's Committee, and the continued triumph of the Irish, or Sir Walter Crofton's, system in this country. To the late improvements in our county and borough gaols it is reasonable to attribute the greater part, if not the whole, of the diminution of crime during the last half year. The employment of Sir Walter Crofton by the Home Office in carrying the Act into operation has been most beneficial. The result of this Act should encourage the legislature to pass other useful laws. But grievous as have been the failures of measures or their postponement, there is one partial excuse for Parliament, at least for the Commons, in the amount of private bill business, and the exhausting and harassing effect of this upon the members; and that there is a most substantial measure required to relieve them, needs hardly be again stated. With regard to that plan, I do not claim nearly the whole merit, but divide it with my illustrious friend the great Duke; and it ought ever to be recorded in his praise, as a signal proof that, with all his known aversion to rash changes in our institutions, yet when there was an admitted evil and a reasonably safe remedy, no one was more ready to adopt it, and even to urge it upon Parliament. When the question was of the new standing orders for the House of Lords, and they were referred to a committee, "Why not try our great plan," said he; and on my answering that we never could carry it, "We can but be defeated," he replied, "and then we can retreat upon your less effectual orders." The great plan was that which we had devised together, and in which the joint committee of both Houses to examine the whole Bill was to report, the report

being conclusive on the facts, having not only examined the whole, but acted with the assistance of a judicial chairman. In considering the composition of the committee, the Duke had at first been for an equality in the numbers from the two Houses, but he ended by considering that there should be a majority of the Commons, so little did he suffer his prejudices to interfere. There is now no conceivable reason why this plan should not be adopted; and it would be the greatest possible improvement, not only in saving time and labour to the members of the two Houses, but in reducing incalculably the expenses of parties and lessening the risks of perjury in the evidence adduced.

But the friends of Social Science have reason to congratulate the public on the great achievement of the conductors of the Atlantic cable. They have—beyond the hopes of all, and against the prejudices of many—finally succeeded, after the failure of last year, in this extraordinary and most important undertaking. The Atlantic no longer offers an obstacle to direct and instantaneous communication with the Western world, and in a few hours accounts can come from New York to London and Paris. A most fit occasion was taken by our Sovereign to congratulate the American President on this noble achievement of British art facilitating the intercourse of the two continents, and to express, in dignified terms, the sense justly entertained of his conduct to those wretched agitators who have attempted to disturb the peace in Canada and in Ireland. It must be observed that the great use of steam in facilitating not only communication of persons and papers, but intelligence, has largely and usefully altered the human condition. Every operation of peace and of war is affected by it, and it may truly be said that life is lengthened, and one object of the philosopher's stone accomplished, when men can both travel so much more rapidly, and communicate with each other so much more quickly. In both respects time is saved, and life really made longer to all intents and purposes.

We are now in Manchester, the head-quarters of the great Alliance movement, and, next to Rochdale, of the co-operative system, which indeed owes its continued existence to this place. As to the evils of intemperance, and the important services rendered by the Alliance to the good cause, there can be no doubt. But whatever difficulties we may have, or affect to have, on the licensing plan, and its excuse (of which excuse I can speak from having in the village close by me half a dozen public-houses, and not more than twenty or twenty-five others) on one matter no dispute can arise, and no doubt be entertained. One sees with astonishment and indignation, in cases

If so great have been the disappointments at home, have we anything to console us when we turn our eyes abroad?

The accounts are so conflicting that we cannot pronounce anything with certainty on the state of the continent, as to what may be the distribution of dominion or the continuance of peace. Let us, however, hope that the error will not be committed of giving a preference to one, even the best, especially to Hungary. The great body of the Germans must be considered, and the weight of Austria, both by land and sea, must never be forgotten, and the united powers of Germany in all its departments be fully recognised. On the whole, there can be no doubt that the cause of progress is in a hopeful condition. There is a general tendency towards free institutions; and the states of Germany are in confident expectation of legislation more or less within the direct influence of the people. It should seem that the Protestant interest has gained considerably; and certainly against the great evils of Austria's defeats must be set their unquestionable tendency to lessen the papal power and to hasten the departure of the French from Rome, as well as their securing the liberation of Venice, at which all our friends must rejoice on account of the Venetians, and by no means because the kingdom of Italy had the least right to obtain this extension of its territories.

In France, there is so strong an opposition to the Imperial Government, and so general a desire of material prosperity, that there seems good ground for a belief in greater freedom of discussion being given to public bodies, and even in some relaxation of the laws respecting the press also. This, too, is unquestionable, that great sacrifices have been made somewhat unexpectedly for the termination of hostilities, that the Emperor's conduct to prevent their continuance has been highly meritorious, and that at length a general peace is concluded.

Yes! Peace is restored on the continent, and all friends of social science must heartily rejoice. Its conditions and the arrangements left by the war, are of great importance notwithstanding; and I cannot help reflecting on the statement which I made more than once in Parliament, that if bystanders see more of the game than those who play it, as the common saying purports, there is a bystander now who, besides seeing the game, will most probably have some claims to profit by the result, whichever party gained; and so it has turned out that the claims have been made, but most properly they have not been insisted upon. Whether the peace concluded is to be durable, or only a truce, remains to be seen. But whatsoever doubt may hang over the future, on the grievous aspect of the past there can be none. In the middle of the nineteenth century,

a wide-spreading war has raged, and tens of thousands have perished or been consigned to a life of wretchedness by their wounds, and all this has been made to secure an extension of dominion or increase of affluence. The wars of the first Napoleon were hardly more costly of blood, and yet he was excused for his lust of conquest, by the service he had rendered in closing the anarchy of the revolution—an excuse which belongs not to the authors of the late hostilities. Yet is it any real excuse for Napoleon?—and how much is his nephew to be preferred for his love of peace, and for feeling by his actual presence and expressing his deep sense of all the horrors of war! Although the glory of war lends its horrible atrocities a false glare which deceives us as to its blood-guiltiness, in what does the crime of Napoleon, when he sacrificed thousands of lives to his lust of foreign conquest, differ from that of Robespierre, when he sought domestic power by slaying hundreds of his fellow-citizens? In one particular there is more atrocity in the crimes of the latter—they were perpetrated under the name and form of justice, whose sanctity they cruelly profaned; but, on the other hand, far more blood was spilled, far more wide-spreading and lengthened misery occasioned to unoffending provinces, by the invasions of Spain, and Switzerland, and Germany, and Russia, than by all the acts of the Committee, the Convention, and the Revolutionary Tribunal. Nor will mankind ever be free from the scourge of war until they learn to call things by their proper names, to give crimes the same epithets, whatever outward form they may assume, and to regard with equal abhorrence the conqueror who slakes his thirst of dominion with the blood of his fellow-creatures, and the more vulgar criminal, who is executed for taking the life of a wayfaring man, that he may seize upon his purse. We hesitate not to shed the blood of the common felon, and even those most averse to capital punishment make an exception against the murderer. Thus there is no difficulty in prosecuting murderers, and the juries convict who, in cases of theft or embezzlement, or even forgery, would hesitate. Such is the universal horror of murder, or even of attempts to commit it, and of partial committal. Then why do the same parties regard the slaughter of tens of thousands, some with tolerance, and some even with approval?

> "One to destroy is murder by the law,
> And gibbets keep the lifted hand in awe;
> To murder thousands takes a specious name,
> War's glorious art, and gives immortal fame."
>
> *Young's Universal Passion*, sect. vii.

Such is the result of war, and while men will fight, and slay their tens of thousands, the crime of murder on the largest scale must go on unpunished and unrepented. Yes, unpunished in this world. But our Heavenly Father, bestowing free-will on His creatures, hath declared them accountable for its abuse; and administering justice in mercy towards the numbers deceived or compelled into blood-guiltiness, He condemns those that have betrayed or forced them as their accomplices or their instruments to the unspeakable and enduring torments of hell.

Address

BY

THE HON. GEORGE DENMAN, Q.C., M.P.

ON

JURISPRUDENCE AND AMENDMENT OF THE LAW.

IN accordance with a wholesome rule of this Association, special questions have been chosen by the standing committees of the several departments for discussion at the present Meeting. On those questions papers will be read by gentlemen who have devoted their attention to the several subjects under consideration, and free discussion will take place upon each.

By this, our settled method of proceeding, much knowledge will be circulated, many opinions tested, many fallacies wiped out, and the cause of truth and justice promoted and advanced.

The questions specially selected on the present occasion are all questions of large and pressing importance to the whole or to some considerable portion of the population of this great country, or of her colonies and dependencies, and, in at least one instance, of the whole civilised world.

I do not propose to attempt within the compass of this opening address to anticipate the discussion of any of these special questions, further than by the expression of such opinions as are incidental to the brief sketch to which I intend to confine myself, of the present aspect of some of the busiest portions of the great campaign of Law Reform.

In that campaign, as in warfare of every kind, there are reverses as well as triumphs to be recorded, but no soldier who has enlisted in this cause need ever despair. Whatever the ultimate result may be, we must gain victory after victory, as we have already done under the guidance of that mighty captain who first conceived our plan of operations, who has devoted his best and ripest years to the service, and who still takes an active and an earnest part in every movement of

our forces. To no one more than to him has that noble eulogium ever been applicable—

> "Peace hath her victories,
> No less renowned than war."

Whatever may be the improvement of the science of jurisprudence, whatever the progress of law amendment in future years, it will always be a just ground of pride and satisfaction to all here present, and to all hitherto existing members of this Association, that they fought under the banners of Henry Brougham.

But the campaign is not yet over. Nay, we are engaged in a struggle which will last as long as there is a vestige of folly and wickedness in the world. Every one even of our successes is, in its own nature, necessarily imperfect, and will require constant watchfulness and diligence in order to detect and amend its imperfections. How much more, then, must every failure require fresh and toilsome efforts before it can be repaired? The very machinery by which alone our work can be accomplished—the machinery of legislation for the amendment of existing laws—may be gravely out of order. The men chosen to use, to repair, and to create that machinery may be so chosen as to give no guarantee of their fitness for the work.

> Quis custodiet ipsos
> Custodes?

The great Montesquieu has truly said that in England the errors of legislation are often useful by the spirit of attention which they create in the nation. It is to this spirit of attention, and to the public opinion resulting therefrom, that all real reforms are mainly due. These are the weapons by which, through the medium of a free press, all our contributions must be made, to the ultimate triumph of justice and of truth.

In considering the present condition of English jurisprudence and the present position and prospects of law reform, I, without hesitation, give precedence to a question which, for obvious reasons, is not appointed for special discussion at this meeting, but which must strike every thoughtful man who loves his country and cares for the amendment of its laws, as one of the most vital and pressing importance, and requiring our anxious consideration.

Lord Brougham, in his opening address at Sheffield last year, thus alluded to the subject:

"In reckoning our gains at the late elections, it is highly satisfactory to reflect on the considerable diminution of bribery

and corruption. Of this there can be little doubt; but still there remained enough to justify all friends of public morals, and indeed of our national character, in desiring more effectual means to be taken for the extinction of practices so disgraceful."

In spite of a very general belief that corrupt practices prevailed to a larger extent than heretofore at the last general election, it may be doubted whether all the revelations which have taken place have at all shaken the accuracy of the passage just quoted.

It is indeed an undeniable and a lamentable fact, that in a very considerable number of the boroughs now trusted with the choice of members of the House of Commons, great corruption of various kinds prevailed at the last general election, not on one side only, but on both sides. It is, I fear, almost equally certain that a great amount of similar corruption was withdrawn from the public eye by compromises of petitions and other corrupt arrangements.

But it must not be forgotten that the law which enables committees of the House of Commons to compel a full disclosure of their own misdeeds to be made by guilty but reluctant witnesses only came into operation, for the first time after a general election, at the very inquiries which have resulted in the late revolting exposures; so that we are probably nearer to the knowledge of the whole truth in these cases than used to be possible on former inquiries. It must also be borne in mind that from the disclosures lately made before the parliamentary commissions now or lately engaged in certain boroughs, it is abundantly plain that, in those boroughs, there is little, if any, novelty either in the extent or the nature of the iniquities which have prevailed. In most of the delinquent constituencies the corruptions which have been brought to light appear to have been at most the more vicious progeny of a long ancestry of corruption.

It must, however, be admitted that there exist dangers in the matter greater than in former times.

With the astonishing advance of wealth and prosperity among our mercantile and other classes; with the increased power of the Lower House of Parliament; with its growing connection with merchandise and trade; has arisen a greater probability than existed in former times that men of large means, still partly embarked in enterprises of various descriptions, will be tempted to use a portion of their wealth, if they can do so with impunity, for the purpose of purchasing a seat in the legislature, some from a desire to obtain that social position which the mere accumulation of riches fails to give,

some with the object of promoting the prosperity of some great joint-stock undertaking or branch of industry on which their further gains may depend, some with the view of obtaining lucrative appointments, unaccompanied by the necessity of discharging any serious duties, but which for some reason or other, are, as every Member of Parliament well knows, most liberally tendered for his acceptance by companies with very high-sounding names. In short, it would be affectation to deny that the possession of a seat in Parliament is now capable of being used so as to represent a money value to an extent, and in ways, unknown in former times.

For these, and for other reasons, the subject of purity of election is one upon which the aid of every earnest law reformer ought to be heartily and diligently bestowed.

But mere denunciations of corrupt practices will do little good. The low and jocular tone in which every species of electoral iniquity is now too often treated will do positive mischief. The studied ridicule of well-meant, but unsuccessful, or only partially successful, attempts to apply a remedy, is sometimes the most powerful ally of crime. Public opinion in high quarters must be itself elevated and purified before these horrors can altogether cease. Members of the House of Commons must be more unanimous in the feeling, that to pay thousands of pounds down without inquiry, in order to secure a seat which their own agent will return to the election auditor as a seat which costs him only as many hundreds, is an act unworthy of a gentleman; and until this feeling is all but universal in Parliament itself, the unscrupulous rich man will have undue influence over the councils of the nation.

This is no mere question of franchise, or of the numbers of constituencies. The work must be that of public opinion. Its progress will be aided and recorded by the press, and its success attested by the earnest action of the legislature, and perhaps, by the verdict of some future jury, and the sentence of some future judge. At present, all we can do is to pave the way for future legislation, by inquiry and suggestion, and never for one moment to allow ourselves to rest contented with the existing condition of things.

Several measures have been already proposed by eminent members of this Association for the removal of this great sore from our body politic. The noble President of our Council, the present learned Lord Chief Baron of the Exchequer, Sir John Pakington, Mr. Serjeant Pulling, and others, have proposed plans to the justice of which no conceivable objection can be made. Indeed, the only objections actually taken, have been either that the measure disapproved of was not stringent

enough to have any appreciable effect, or that by its very stringency it would shock public opinion, and so tend to create a sympathy with the offender.

In dealing with this subject, it should, however, be remembered that remedies are often cumulative. That the failure of two or three to conquer the evil by no means proves that a fourth may not succeed. It may often be difficult to pronounce beforehand whether by the sword or the pebble the giant evil will meet its final doom. Therefore the authors of the various plans already proposed, and those which may be hereafter suggested, should not be regarded as rivals to each other, but rather as allies in a holy warfare; as friendly powers conducting joint operations, all tending to the destruction of a common enemy. The enactment of a provision making all candidates, agents, and electors, concerned in an act of bribery, liable to penal servitude, while it would be just in itself, would be in no way inconsistent with the enactment of another provision, that every member on taking his seat should declare upon his oath—or upon his honour—that he believes his election to have been free from the expenditure of a single shilling by or on his behalf, beyond the sum duly recorded and explained in the election auditor's return.

The only suggestion which I would venture to make, is that of a remedy which has not hitherto been much discussed. Might not a list be made out, by anticipation, of constituencies fit to take the place of those which should hereafter be proved to have forfeited, by misconduct, their character as proper representative constituencies; so that places from time to time declared unfit, should be placed at the bottom of the list, and the rule be "*detur digniori.*"*

The great difficulty in the way of such a scheme, would be the present want of any tribunal fitted for the impartial exercise of the required functions; but I cannot doubt that such a tribunal might easily be provided, as would carry with it the confidence of the people, or that such a provision as that suggested would lead to a rivalry in the purity and inexpensiveness of their elections, even between places where now corruption and expenditure are the most notorious.

By the existence of such a law, some of the smaller constituencies would, I believe, for the first time obtain a true conception of the only valid ground for their own existence as separate constituencies, that they may return to Parliament honourable and upright men, and men of diligence and talent,

* Since writing the above, I have read an able article in the *Saturday Review* of 22nd September, proposing substantially the same plan.

but not men who will consent, even if they have the ability, to spend hundreds or thousands of pounds in the demoralisation of their fellow creatures.

But enough of a painful subject. It will doubtless occupy much of the time of the Association during the coming winter. We shall cordially hail all sincere co-operation in so great a work.

Among the special questions for discussion at our present meeting, in the section relating to international law, is one about which considerable difficulty and a laudable jealousy exists. The subject is one of great practical importance, and one worthy of deliberate discussion, in default of time for which we shall probably agree that Parliament did well in only legislating temporarily upon it.

International comity; the vastly-multiplied facilities for travelling, both by land and sea; the constantly-growing amount of our commercial dealings with the inhabitants of foreign countries, loudly demand that no undue facility for the commission of crime should be given, by allowing the mere escape into a neighbouring country to insure impunity to the criminal.

On the other hand, as long as mankind is divided into separate and independent nations, there will probably always be some notions of criminal law in one country totally abhorrent to the feelings of the inhabitants of another. Some things will be regarded as offences in the one which are praiseworthy acts in the other. Some modes of procedure will be adopted in the one quite at variance with the sense of justice prevalent in the other. No stronger case could be put, by way of illustration, than that of Anderson the negro, who, pursued by the slave-driver, while escaping to British soil, turned on his aggressor, and killed him in defence of his liberty; and whose extradition was demanded for an act which to those demanding it appeared to be murder, but to the vast majority of the nation appealed to for his surrender, was but an innocent act of self-preservation. Again, in some countries, a practice has prevailed of condemning persons unheard. In such cases as these, how are we to reconcile the just claims of international comity, and a righteous abhorrence of real crime, with a true regard for that right of asylum of which all Englishmen are justly proud, and which is one of our greatest securities that the best-recognised truths in the best part of our laws, should ultimately find a place in the jurisprudence of the whole world? The interval so soon to be succeeded by fresh legislation on this important subject, cannot be better employed than by the calm discussions which will here take place, in the presence

of such distinguished foreigners as will take a part in the present Congress.

Among the special questions appointed for discussion, in the section of Municipal Law, the state of the Law of Bankruptcy justly claims the first place.

The admirable and instructive paper read last year at the York meeting, by Mr. Moffatt—a paper not less remarkable for the clearness and accuracy with which it states the past and present of the law, than for the power and eloquence with which the writer enforces his own views of the reforms required—was a truly valuable addition to the great mass of knowledge and opinion already in the possession of the Association, and recorded in its *Transactions*. But in the case of a subject so difficult in its own nature, and so complicated by unsuccessful and abortive attempts at legislation, especially at a time when the very able law-officers of a new government are, no doubt, giving their earnest attention to these matters, it is peculiarly fortunate that we should have the opportunity of considering what is best to be done, here, in the midst of the vast mercantile and manufacturing community of this great city, from whom we cannot doubt that observations and suggestions of great practical importance will emanate.

If we were to trust wholly to general opinion, the condition of the law, on this head, is at present such, that it might exclaim with Queen Katherine,—

> "Do with me what you will,
> "For *any* change must better my condition."

It may be doubted whether the inherent difficulty of an orderly and economical distribution of the chaotic residue of a mismanaged estate, can ever be so conducted as to avoid discontent on the part of many creditors, and whether a portion of that discontent will not always find a vent in complaints against the existing law. But this would be a poor reason for not applying a remedy to admitted defects. The present bankruptcy law was doomed to inefficiency by the denial of a tribunal adequate to administer it. The last decision of the Court of Exchequer Chamber, upon trust-deeds, is one which places all the unsecured creditors of a bankrupt entirely at the mercy of a majority whose debts may be wholly secured. But it would be a waste of time here to enumerate particular defects. The whole system is on its trial; there is a conflict of opinion even about first principles. It is of vast importance to the material prosperity of the country, that an effectual remedy should be applied. Nothing can be more likely to lead to the

adoption of such a remedy, than that those here assembled, both lawyers and laymen, Englishmen and foreigners, should, with all freedom, favour us with their comments and suggestions.

The great question of "the best mode of reducing the law of England to a compendious form," still faces us, and daily more and more presses for a solution. This is also one of the questions chosen for discussion at the present meeting. The address of Sir James Wilde, at the York meeting, in 1864, so dealt with the general subject, as to render it unnecessary for any of his successors in this seat to do more than express his adherence to the views therein so ably and so fully expressed. But little has yet been done in the direction, now generally admitted to be the right one, viz., that which would lead towards the publication of a digest of the decided law, as the first step towards the ultimate publication of a code.

I feel a pleasure in bearing my testimony to the success of that important publication, the *Bar Reports*, as a valuable addition to the stock of knowledge which every lawyer in the interest of the community ought to possess, of the daily decisions of the courts. When the plan was first proposed, sanguine expectations were entertained by many, that the scheme might be so framed as to diminish, to a great extent, the accumulation of decided cases, and so materially to facilitate the production of a digest of the law. But this object was to have been obtained by means which would have violated one important security which we possess for the maintenance of our rights and liberties. In describing the guarantees for political liberty, Lord Russell, in his work "On the English Government and Constitution," truly and forcibly remarks, "Happily, too, precedents are now so numerous, and so carefully recorded, that a judge cannot, in the face of the bar and of the country, very greatly deviate from the line of duty." This truth cannot be confined to past decisions only, nor to great and striking decisions upon grand *principles* of law. In these days of change and invention, it is not only such principles which require to be well known, and faithfully recorded. It is of at least equal importance, that those upon whose advice the conduct of others in matters of nicety often depends, should have before them also a record of the freshest *instances* of the application of those principles to new and ever varying combinations of things, habits, and transactions. The knowledge of what is really going on in the law, is only to be obtained by free, full, and accurate reports of all those cases which reporters, by experience, find that their brother-lawyers require to be

reported. Whatever are the inconveniences of what our great poet calls,

> "That codeless myriad of precedent,
> That wilderness of single instances,"

all experience teaches that there is more security for the rights of a people, and less chance of their being led into hopeless litigation, where substantially every judicial decision is sure to be made known to all lawyers, by a redundant supply of full and accurate reports, than under any, however modified, system of monopoly or censorship.

But the question proposed for our discussion is of a different kind. Grant that the year-books, and all existing reports, are to remain on our shelves; grant that no act of parliament ever can or ought to attempt to prevent an advocate from freely citing the decisions therein recorded, in the honest support of the interests of his client; the law of England, both statute and common law, ought not the less to be rendered capable of being found in a bulk less clumsy, in a shape more orderly and less repulsive, at a cost less extravagant, and hidden under fewer "debris," than it can at present. It ought to be purged of much dross which conceals the metal which it surrounds.

At no time have the deliberations of the Association been attended with brighter hopes for the future, in regard to this important item of law reform. The address by our distinguished colleague, Mr. David Dudley Field, delivered last night, is a golden contribution to the good cause, to which others present will by discussion be ready and willing to contribute.

In casting our minds back upon the legislation of the past session, it is impossible not to feel some regret that so little has been done which it is within the compass of this Department to notice. A Bill for the Abolition of Treasurers of County Courts; Lord Cranworth's Bill, which enacts some useful amendments in the proceedings in the Court of Divorce; Mr. Goldney's Bill to enable magistrates to order costs in certain cases of prosecution before them; a Bill relating to the mode of taking evidence in civil causes in Scotland; a Bill empowering the court to enrol deeds, under certain conditions, after the statutable time has elapsed; and that very important Bill which assimilates the law relating to attorneys and solicitors in Ireland to that in England: these are almost the only measures of law amendment which have passed into law.

On the other hand, the list of measures brought forward and dropped during the passed session has been unusually large, and has included many subjects of vast importance.

The Revision of the Statute Law, the Law of Bankruptcy, Capital Punishment, the Law of Marriage, the Sale of Land by Auction, the Law relating to Public Companies, the Constitution of the Disciplinary Tribunals of the Inns of Court, and other subjects of great interest, were all so dealt with, in Bills actually printed, as to have left ample materials for discussion, with a view to the ultimate settlement of questions, upon many of which there is as yet much difference of opinion among the most earnest law reformers.

Nor do the questions thus raised by any means exhaust the list of matters which claim our immediate attention. Cases of very recent occurrence will again force upon our attention the question whether the law which excludes the testimony of parties in criminal, and in certain other cases, ought not, at least in some cases, to be repealed. Take the case of perjury. Suppose, for instance, that a witness before a committee of the House of Commons sitting on an election petition swears deliberately to acts of personal bribery by both the sitting members. The committee, after hearing his examination and his cross-examination and the evidence of the sitting members themselves, come to an unanimous opinion that the witness has committed perjury and recommend his prosecution. The prosecution takes place. The sitting members are again examined and cross-examined, but their former accuser's mouth is closed. The jury, possibly because they are shocked at this apparent injustice, possibly because they lack the means of judging which the committee possessed in the cross-examination of the man now on his trial, acquit him of the charge of perjury. There is nothing now to prevent him from prosecuting the sitting members for the same offence, when they also will be debarred from giving evidence, and safe from cross-examination, but possibly a less merciful jury will act upon the uncontradicted testimony of the prosecutor, supported by some circumstance which may be technically sufficient evidence in corroboration of his statement, and they may very possibly be convicted of perjury instead of the man whom the committee recommend to be prosecuted for that offence.

Whatever may be the difficulties connected with the examination of parties in criminal cases generally, it may surely be worth consideration whether, in the case of perjury at all events, it would not be wise to amend the law at once, without waiting for the long period which must certainly elapse before unanimity can be expected on the general question.

The course adopted by the Home Secretary in a recent case of great notoriety, must also tend greatly to promote inquiry upon this difficult subject, whilst it is certain to lead (in fact it

has already led) to very valuable discussions upon the working of the Home Secretary's jurisdiction in cases of unsatisfactory convictions, and upon the larger question of an appeal in criminal cases.

Another difficulty of high practical importance presses for a solution. Some forty years ago the number of the common law judges was increased by the addition of one judge to each of the three superior courts, making the total number fifteen. Since that time the population of the country has increased by many millions, and its trade and business, and consequent litigation have grown enormously. The creation of the county courts, and their triumphant success, have not on the whole diminished, even if they have not increased, the demands upon the time of the judges of the superior courts. Other improvements of the law, such as the examination of parties to suits, have decidedly augmented the work now required to be done by the occupants of the bench. The creation of new assize towns in such great centres of industry as Manchester and Leeds (the importance of whose jurisdictions is fitly represented by noble piles of buildings, witness that grand triumph of architecture within which we have the privilege of being assembled) has had a telling effect in the same direction. The opinion is now very general amongst those who are best qualified to judge, that the time has come when an addition is required to the number of our common law judges.

But it ought to be well understood that any such addition is absolutely necessary before it is made. There are several points in which, by very obvious changes, well worthy of consideration, it has been suggested that our present judicial power might be so distributed, and so relieved of some superfluous functions, as to enable it to go further than it does. For instance, why should not the judges of any one of the three superior courts, when the nisi prius list of that court for the day or for the sittings is exhausted, be competent to sit in London or Westminster as a judge of either of the other two courts? Such a plan would undoubtedly tend to keep down the number of remanets in all the courts. It would be difficult to suggest any good reason against such a proposal in the face of the fact that on the circuits the judge of each court tries causes pending in all. Again, it is generally thought by all lawyers that a large proportion at least of the business which occupies the time of the judges at chambers might very safely be handed over to the masters of the courts, officers perfectly competent, and an addition to whose numbers could easily, if necessary, be made.

Admitting, however, that the utmost economy of our

existing judicial power should precede, or at least accompany, any addition to our judicial staff, it is doubtful whether any such changes as those I have referred to, or others as yet suggested, would be found sufficient to postpone, for any considerable time, the growing demand for such an addition.

Before long, these matters will have to be dealt with seriously, in connection with that great subject, still in embryo, the closer, if not entire, fusion of law and equity. Their satisfactory settlement will, doubtless, be largely promoted by the gathering together under one roof, of all the great head courts of law and equity in London. We shall then be in a more favourable condition for impartially considering whether the subdivision of labour, in matters litigious and judicial, has not been carried much too far, and whether there is any reason why many matters now delegated to distinct tribunals, acting under different rules of practice and procedure, should not hereafter be dealt with by the judges of one great court, exercising one uniform and comprehensive jurisdiction.

Akin to the question last referred to, is one upon which very earnest desires for the alteration of the law are entertained by the mercantile community, especially that portion of it which is interested in ships, desires very natural, and founded upon grievances undeniable and serious, yet, as I venture to think, not yet so limited in their extent, or so shaped, as regards the proposals for their remedy, as to enable us at present to pronounce them as being more than fitting subjects for discussion and suggestion.

The Bill which I obtained leave to bring in in 1865 was brought in with the view of obtaining the attention of Parliament and the Government to the subject. It was prepared by the Newcastle and Gateshead Chamber of Commerce, and obtained the assent and support of the chambers of commerce in most of the large seaport towns of the kingdom. That Bill was confined to disputes connected with shipping. It proposed that all such disputes, up to a certain amount, should be decided by a tribunal composed of certain already existing judicial officers, such as county court judges and stipendiary magistrates, who were to act as presidents (but with only a casting voice) over certain assessors, and jointly with those assessors to decide all questions both of law and fact. Other proposals have been made, of various kinds, with the same general object, that of providing a better, a cheaper, and more expeditious tribunal for the trial of disputes of small amount relating to mercantile transactions generally, or to merchan shipping.

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many cases from its provisions much more worthy to be included than some of those for which provision is made.

Other questions of equal importance with those to which I have specially referred stand for discussion at this meeting. Others yet will occupy the thoughts of our members during the winter which is now at hand. But enough of time has been devoted to preliminary observations. The real business of the Department is about to begin. Let it be sufficient to notice that so far am I from pretending to have exhausted all the topics which may well demand a large portion of our thoughts, that the great subjects of martial law and the patent law, the minor but still important questions of how such villainous frauds as those lately exposed at sales by auction can be prevented, what alterations ought to be made so as to prevent the constant and often well-founded complaints of persons summoned upon juries, and others of great interest, have been purposely passed over, from the fear of wearying my audience.

Upon these, and upon other questions, we trust that we shall have the inestimable advantage of experienced and unbiassed opinions from men of many countries and of divers professions. In all cases of great nicety I doubt not that we shall have the benefit of the advice and co-operation of that great master of law reform under whose presidency we have so long flourished. Of him it may be truly said, as it was said by no mean poet of one whom he loved and admired

> "His aim was always Justice, his delight
> To render Law commensurate with Right;
> And from the breadth of that august domain,
> Weed the rank growth of quibbling and chicane.
> No zealot votary of the cumbrous lore
> That "darkened counsel" in the days of yore;
> Not blindly worshipping, as things divine,
> The dust and cobwebs of the legal shrine;
> But bent to make—so taught in Wisdom's school—
> Our laws progressive, like the realm they rule."

In this spirit, and under these auspices, let us apply ourselves to the work.

which proposed to leave the whole decision, both of law and fact, to a tribunal consisting mainly of persons not educated to the law. However great and however just may be the disappointment of individual suitors, at the unexpected decisions of lawyers upon the interpretation of documents, all experience shows that far greater disappointment, and far more vexatious litigation, invariably arises from the "*jus vagum et incertum*" of a tribunal unskilled in the law.

The plan of reform which appears, if not most likely to meet the requirements of the case, at least one well worthy of consideration, consists of an extension of the jurisdiction of the Admiralty Court to all disputes which are closely connected with the ship and her voyage, and which in their nature ought to be settled with the utmost despatch upon the completion of the voyage, and the erection in all the principal ports of the kingdom of a fitting tribunal, such as might be found in the county court judges or stipendiary magistrates, with skilled assessors; such tribunal acting as a branch of the Court of Admiralty, and subject to an appeal in cases beyond a certain amount.

Among the events of the past year, the mention of the Court of Admiralty reminds us of one which has left its mark upon the history of English jurisprudence. The masterly judgment of that great jurist, who has so long and so powerfully presided in the Court of Admiralty, the first ever delivered by a learned tribunal in a case of booty of war, beautiful as it is in its language and composition, is still more admirable as a sound, clear, and authoritative exposition of the principles which must hereafter, in all cases of military prize, be held to be the true guide to the exercise of the royal bounty and discretion. That judgment, from the closeness of its reasoning, from the condescending particularity with which it meets every case and every contention of which it disposes, and from the ripe experience and great authority of the distinguished judge who pronounced it, must conclude for ever all doubt about many matters, which were well calculated to give rise to heart-burnings and disappointments on the part of most meritorious public servants. By that judgment Dr. Lushington may be as truly said to have rendered a great service to the members of the noble profession of arms, as he has undoubtedly added a glorious chapter to the jurisprudence of the age.

In contemplating the condition of the criminal law of England in the year 1799,* Sir James Mackintosh made the following observations.—

* In the opening address to his lectures on the Law of Nature and Nations, delivered at Lincoln's Inn.

Address

BY

DAVID DUDLEY FIELD,

CORRESPONDING MEMBER OF THE ASSOCIATION,

ON A PROJECT FOR AN INTERNATIONAL CODE.

STANDING for the first time before the members of this Association, I must begin by making my acknowledgments for the honour which you conferred upon me some years ago by electing me a corresponding member. Though I have not been able to take part in your meetings, I have felt scarcely less interest in them than if I were present, and even take to myself a portion of the self-congratulation which the actual participators must have felt. If I have not contributed to your *Transactions*, I have been an humble sharer in the fame which the contributions of others have won.

The distinction which your association has earned is, however, the least of its honours. The good which it has done in stimulating inquiry, concentrating opinion, and combining efforts towards the improvement of the law and the education and health of the people, would be a sufficient reward for all your labours, even if no distinction had been obtained.

The scope of your labours is not confined to your own country; it extends to every part of Christendom. So intimate is now the connection between all Christian nations, that the social progress of one is sure to be felt more or less in the others. More especially is this true of your country and mine. We are bound together by so many ties that, forgetting for the present all things else, I will only think of the good we may do each other, and the spirit of kindliness we may both promote.

The particular subject to which I am to bespeak your attention is international law. In discoursing of it my purpose

will be to answer, so far as I may be able, these questions:—1. What is that which is called international law? 2. Who made it? 3. Who enforces it? 4. Are any changes in it desirable? 5. If so, how can they be effected?

Law is a rule of property and of conduct prescribed by sovereign power. In strictness, therefore, there is no such thing as a human law binding the nations, since they have no human superior. They may, however, as they have in part done, agree among themselves upon certain rules, both of property and of conduct, by which they will pledge themselves to regulate their own conduct towards each other and the conduct of their citizens respectively. These rules form what is called sometimes international law and sometimes the law of nations. Neither expression is precisely accurate. There is a body of rules, more or less distinctly stated, by which nations profess to comport themselves in their relations with each other; but they are not laws, nor are they imposed upon nations, nor yet are they international. They are laws only in each state, so far as they are promulgated by the sovereign power of that state, and they serve international purposes. Take, for example, a treaty concluded between the United States and Great Britain; when ratified and promulgated by the treaty-making power in the two nations, it becomes a rule for both, by virtue of their compact, and a rule in each nation for its own citizens, by virtue of the promulgation by its own sovereign authority. For want, however, of a better designation, and adopting the suggestion of Bentham, publicists and statesmen now generally refer to this body of rules as international law. If the word law is to be retained, I should have thought the expression public law, or the public law of the world a better one.

Who made these rules, or this international law, if you so call it, is explained by the definition which I have given. It was made by the nations themselves, either through express compact with each other, or through general practice, that is to say, by treaty or by usage. Publicists, I know, looking beyond the rules so made or sanctioned, have sought in those moral precepts by which nations, not less than individuals, ought to be governed in their intercourse with each other, for guides in other circumstances; and statesmen and diplomatists have often fortified their arguments by reference to such opinions, and it has thus frequently happened that those precepts have been gradually adopted into the usage of nations. These views of the publicists are, however, to be regarded rather as suggestions of what ought to be the conduct of nations in particular circumstances than as a statement of

established rules. They are entitled to the same weight in the decision of national disputes as a treatise on natural law is entitled to in the decision of a case by the courts of America or England.

Some writers are in the habit of treating the law of nations as if it were something above the nations, and having an authority superior to their will. In our late civil war, for example, it became the practice of certain persons to speak of the law of nations as a guide or warrant for the executive in the conduct of the war, beyond the constitution and paramount to acts of Congress. This, I apprehend, was a mistaken view. The law of nations is only such because each individual nation adopts it, and so far only as it is thus adopted. It is legally, I do not say morally, or without just complaint from other nations, competent for any nation to reject the whole or any part of it, so far as its own citizens are concerned. The Parliament of England might enact, if it would, that no English court should decide, and no English subject act, in a particular manner, even though that manner were enjoined by the law of nations, as understood by the whole body of Christendom.

Who enforce the rules, thus made or sanctioned, and known as international law? The nations themselves, first by applying them as occasion requires, to litigants in the national tribunals, and secondly, by punishing the nation which infringes them, in such manner as nations may punish each other; that is to say, by non-intercourse, or by force. The controversies respecting captures by land or sea, and the questions concerning the responsibility of individuals for the violation of private rights, are of course determined by the courts; and where the municipal law is silent, international usage is the rule of decision. When a question arises between nations, it is debated and arranged between themselves, or submitted to arbiters, or decided by force.

The next question will lead us into a large discussion. Are any changes desirable in these rules of international obligation? The slightest acquaintance with the disputes, which have arisen, and do now constantly arise, between nations, will convince us that the rules themselves are full of uncertainty and, in many respects, defective. If we make for ourselves an examination, even incomplete, of the subjects which fall within the scope of international law, we perceive at once how many of them are uncertain or require revision. Within it are embraced all the rules which should govern the relations of states with each other, in peace and in war. All of them spring from the intercourse of nations. If a people shut themselves up

from others, as the Chinese attempted to do, building a wall between themselves and their neighbours, there can be no international law, as there can be no international relations. That condition, however, is unnatural and irrational. Man is a social being, and his nature impels him to intercourse with all the family of man. Whether this intercourse is demandable as a right, and if so, when and by whom and upon what conditions and how it should be carried on are the first questions which present themselves. From intercourse, as from a source, spring the rights and duties of those who carry it on, making it necessary to determine how far they who pass from one country to another retain their own nationality, and to what extent they subject themselves to the jurisdiction of the country into which they enter. Hence arise the questions respecting the right of foreigners to liberty of religion, residence, and trade; their obligation to civil or military service; the liability of their property to taxation or other imposition, and its devolution when they die. Traffic brings with it contracts. These are to be expounded and enforced in different nations, and between the citizens of all. Thence comes that department of jurisprudence, which, under the general title of the Conflict of Laws, has engaged so many minds and led to such profound investigations. The intercourse of nations is public or private. The former is carried on by embassies, legations, and consulates. Here is required a large body of rules declaring the rights and duties of public ministers and consuls, with their attendants, their reception, residence, functions, and immunities. When private persons pass from one country to another, they go either for transient purposes or for permanent residence. In the latter case there arise two opposite claims; on one hand that of expatriation, and on the other that of perpetual allegiance. Fugitives from one country into another, what are their privileges? Hence the practice of extradition, as modified by that right of asylum, which, older than Christianity, has been exalted by its spirit and precepts, and which it is the honourable boast of your country and mine never to have violated or rejected. The instruments of intercourse by sea, ships, and those who navigate them, and they who pass and re-pass with them, and that which they carry, the control of them on the ocean and in port; all those are to be regulated by that body of rules of which I am speaking. Next are those rights of property which, acquired in one country, should be recognised and respected in another; the title to personal chattels, and the title, quite as good in my opinion, to the products of the mind; inventions for which patents are commonly issued; and writings, for which the law of copyright provides, or

should provide, a sanction and a guarantee. Then there are the subjects of weights, measures, money, and postal service, which fall within the scope of international regulation. Passing from direct intercourse between nations to their rights, exclusive or concurrent to things outside of themselves, we come to the subjects of the free navigation of the ocean, the fisheries, the discovery and colonisation of islands and continents, and the right of one nation to an outlet for itself through the close seas or rivers of another. After these various topics regarding the relations of nations in a state of peace, we come to those of a state of hostility. Force or constraint is applied in three ways: one by non-intercourse, another by reprisal, and a third by war. I will speak only of the relations in war. First, in respect to intestine, or civil war; when and how far may other nations interfere, and when may interference go so far as to recognise a new nation out of the fragments of a broken one, and what is the effect of the separation upon the citizens of the different parts of the divided nation and upon the citizens of other states? Then in respect to foreign war, when it is justifiable, what must be done to avoid it, and what formalities must precede it? And when it comes, what must be the conduct, first of the belligerents and then of neutral nations; and in respect to the former who may attack, who and what may be attacked, and in what manner may the attacks be made? Those questions being answered, embrace the whole subject of belligerent rights. But into what an infinitude of subdivisions do these topics divide themselves; explaining to what extent it may be truly said, that, upon the breaking out of a war, all the citizens of one belligerent state become the enemies of all the citizens of the other; what may be done by one side to the citizens and property of the other, including the seizure and confiscation of debts or other property; how the persons and property of the enemy found in a country in the beginning of a war may be treated; whether private citizens without commission from the government may assail the enemy; whether it be lawful to take or destroy private property on land or sea; whether all kinds of public property may be taken or destroyed; how public buildings and monuments of art are to be treated; what is the effect of war upon pending contracts; and what future traffic may be carried on between the citizens of the belligerent nations. Then, when we proceed to consider the conduct of armies towards each other, what are the rules of honourable warfare, what strategems are allowable, the proper treatment of prisoners, the disposition of spies, the flag of truce, the armistice, and the exchange of prisoners of war;

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confer together and discuss a treaty, for the express purpose of preventing war between them. Can there be a doubt, that if these representatives should come together, animated solely by a love of justice and peace, they would agree upon a series of mutual stipulations, which, without compromising the dignity or independence of either country, would make it extremely difficult to fall into open war without putting one party or the other so completely in the wrong as to subject it to dishonour? Whatever those stipulations might be, whether providing for an arbitration before an appeal to arms, or for some other means of adjustment, the same stipulations which had been inserted in a treaty between our two countries could be inserted also in treaties between them and others. Is it too much to hope that by this means the time may come when it will be held impious for a nation to rush into war without first resorting to remonstrance, negotiation, and offer of mediation? Supposing, however, war to become inevitable, and two nations at last engaging in actual hostilities, how much may be done in favour of humanity and civilisation, by adding to the rules which the usages of nations have established for mitigating the ferocity and distress of war. Could not private war, and war upon private property, be for ever abolished? Could not more be done in the same direction as that taken by the late conference at Geneva, which produced such excellent effect during the last contest in Germany, in exempting surgeons and nurses from capture? Could not the sack of a captured city, or the bombardment of a defenceless town be for ever prohibited? Might not such transactions as the storming of Magdeburg and San Sebastian, and the bombardment of Valparaiso, be made violations of the laws of war? Could there not be a great improvement upon the rules which provide for the proper treatment and exchange of prisoners? What, indeed, might not be effected if an earnest effort were made to lessen to the utmost its evils before the passions become aroused by the actual conflict of arms. Discarding at once the theory that it is lawful to do everything which may harass your enemy, with the view of making the war as short as possible—a theory worthy only of savages, and, carried out to its logical conclusion, leading to indiscriminate fire and slaughter, even of women and children—the aim should be, while not diminishing the efficiency of armies against each other, to ward off their blows as much as possible from all others than the actual combatants.

How can these changes, so desirable in themselves, be effected? I answer, by the adoption of an international code. Every consideration which serves to show the practicability and expediency of reducing to a code the laws of a single

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The radical fault of the Bill [illegible]

Stanford

complete that which had been thus prepared. The work would then be as perfect as the ablest jurists and scholars of our time could make it. Thus prepared and recommended, it would of itself command respect, and would inevitably win its way. It would carry with it all the authority which the names of those concerned in its formation could give. It would stand above the treatise of any single publicist; nay, above all the treatises of all the publicists that have ever written.

Is it a vain thing to suppose that such a work would finally win the assent, one by one, of those nations which now stand in the front rank of the world, and which, of course, are more than others under the influence of intelligent and educated men? The times are favourable; more favourable, indeed, than any which have occurred since the beginning of the Christian era. Intercourse has increased beyond all precedent, and the tendency of intercourse is to produce assimilation. When they who were separated come to see each other more and know each other better, they compare conditions and opinions; each takes from each; and differences gradually lessen. Thus it has happened in respect to the arts, and in respect to laws, manners, and language. In a rude state of society, when men are divided into many tribes, each tribe has a language of its own; but as time melts them into one, a common language takes the place of the many. Your own island furnishes a familiar example of the influence of intercourse in blending together different elements and forming a united whole. This tendency to assimilation was never before so strong as it is now, and it will be found a great help towards forming a uniform international code. The tendency towards a unity of races is another element of immense importance. Germany will hereafter act as a unit. Italy will do likewise. In America no man will hereafter dream of one public law for northern and another for southern states. Even the asperity which always follows a rupture between a colony and the mother country will give way before the influence of race, language, and manners, so far as to allow a large conformity of disposition and purpose, though there cannot be a re-union of governments. The relations between America and England are, or were till lately, softening under this influence; and if Spain is ever governed by wiser counsels, she will make friends of her ancient colonies, instead of continuing to treat them as enemies, and will confer on them benefits, rather than wage war against them.

Would it not be a signal honour for this Association, rich in illustrious names and distinguished for its beneficent acts, to take the initiative in so noble an undertaking? Would

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Dependent upon its decision is another question of great importance and equal difficulty. When a sufficient supply of schools has been secured, shall the attendance of children of a certain age be voluntary or compulsory? Are we to rely upon the parents' sense of duty, or are we to call in the aid of the law, in order to compel those who neglect their duty to perform it? The advocates of compulsion point to the undoubted fact that, even where ample provision for education exists, thousands of children are deprived of its benefits, sometimes by the wilful neglect or stolid indifference of the parents, sometimes by their poverty. This is the common experience of all large communities; but nowhere, I believe, have the facts been so carefully ascertained as in this great city in which we are now assembled. That excellent institution, the Manchester and Salford Education Aid Society (an institution which affords an example for imitation in every town of the kingdom), has for its objects, first, in respect of existing schools, to pay for the children of poor parents so much of the school fees as may be needful; and, secondly, by aiding (and, if it should be deemed advisable, by establishing) free schools for the children of parents who are unable to pay any portion of the school fees. In the fulfilment of these objects they have taken steps for a systematic canvass of the town. This inquiry has, as yet, only been completed in some districts, but the facts ascertained, thus far, are so interesting and important, and bear so directly on the subject under discussion, that I must ask your patience while I refer to some of them.

The results hitherto obtained in the examined districts have been "singularly uniform. Everywhere a majority of the children between the ages of three and twelve are found to be neither at school nor at work." This was not owing to the poverty of the parents, for "in many districts" (I quote from the report of this year) "the number of children who are not sent to school, but whose parents are able to pay school fees if they were willing, approaches very nearly to the number of those who are neglected on account of poverty." In one district, out of 142 children not at school, only 31 were found to belong to parents too poor to pay for their education. In the districts already examined, of 5,787 children neither at school nor at work, 2,175 had parents able to pay for them, 3,612 were the children of parents unable to do so. In other words, out of every 19 children absent from school, 7 were so by the wilful negligence, 12 by the poverty of their parents. The 3,612 receive aid from the society, but the whole of the 2,175 are necessarily passed over;

for (in the words of the report) "it would be most demoralising for a charitable society to pay school fees for parents who are able themselves to pay." During the course of the canvass, 7,650 families have been visited. These families consist of 37,975 persons; the number of children of all ages was 23,988. Of these 7,804 were above twelve years of age; 11,086 were between three and twelve. Of the 7,804 above twelve, only 112 were at school, there were 6,424 at work, and 1,268 neither at school or work. There is nothing very startling in these figures; those that follow are in the highest degree unsatisfactory. Of the 11,086 children between three and twelve, there were 762 at work, 4,537 at school, and 5,787 neither at school nor work. Of every 100 children, above three years of age, living with their parents or guardians, and not at work, there are 40 at school, and 60 not at school. I have already stated that it appears, from the investigation of the society, that about two-fifths of this absence from school was due to the neglect, and three-fifths to the poverty of the parents. Their latest returns show that while they have made 24,000 grants to enable these latter children to attend school, only half of that number, or 12,000, have availed themselves of this aid. And this fact is attributed to the apathy of the parents.

It is clear—and this must never be forgotten during the discussion of the subject—that it is not the employer of labour who is the competitor of the school-master. Of the children between three and twelve years of age, less than one in fourteen is at work, while out of every twenty-two of such children only nine are at school. Miserable as this is, it seems to be hardly as bad as that which remains to be revealed. The committee has hitherto shrunk from visiting some of the worst and most populous districts in Manchester and Salford, because so large a proportion were below the reach of their influence. "In the lowest districts only a small proportion of the children could be got into schools by any agency the society could use. There are few schools in the localities, and parents and children are alike unimpressible." The statistics, therefore, which I have just read, melancholy and disheartening as they are, by no means indicate the lowest state of depression in the population of this great town. There is a lower depth yet to be sounded. While we await the revelation of these dismal researches, let us take a general view of the state of education in Manchester and Salford. In these towns there are 104,000 children between the ages of three and twelve. A minute inquiry has established the fact that the numbers on the books of all the day schools of every

class in Manchester and Salford in 1865 was 55,000. Add to these 7,000 who may, judging by the sample already examined, be assumed to be at work, and there yet remain 42,000 neither at school nor at work. It is not, of course, to be assumed that none of these children get any schooling, but after making every allowance for a short and occasional attendance at school of a portion of this vast horde of neglected children—equal in numbers to the population of a considerable town—what a picture of the state of our urban fellow-countrymen does it present! After all our efforts, all our expenditure, after so much honest work, so much untiring devotion of our clergy and their fellow-labourers, the comparison of what has been done with what remains to do, is almost enough to make the most sanguine among us despair. And let us not solace ourselves with the hope that Manchester, which has thus manfully laid bare her sore places, and thrown light into her darkest lairs, stands alone in educational destitution. I know that the enormous population of such a city as Manchester imposes a task of peculiar difficulty upon those who devote themselves to supply and keep pace with its religious and intellectual wants. But have we no other great cities in England? And if the state of things in Liverpool, Birmingham, Leeds, Sheffield, Newcastle, were depicted with equal honesty and care, have we any reason to hope that they would exhibit different results? Are their merchants more liberal, their ministers of religion more zealous, their missionaries of good more numerous or devoted than those of Manchester and Salford?

An inquiry less minute and exhaustive than that made at Manchester, but sufficiently careful to deserve confidence, has, at the instigation of the Bishop of London, been made under the auspices of the Committee of the Diocesan Board of Education into the state of education in the metropolis. Already, in 1861, the Royal Commission, presided over by the late Duke of Newcastle, had proclaimed the fact, that, whereas the proportion of the population of all classes receiving some sort of education in England and Wales, was one in seven, or fourteen per cent., the proportion in Middlesex was only one in thirteen, or eight per cent. The inquiry just made shows no improvement in the interval. The most that has been done has been to keep things at their level and prevent retrogresssion. The committee reports that the means of education are wanting in the diocese of London (which, be it remembered, does not include all the metropolis, a considerable portion of which is in the diocese of Winchester), for from 150,000 to 200,000 children. Add to this statement the fact that the average increase of the

metropolis calls for an annual increase of school accommodation for 5,000 children of all classes, every year, and what stronger demonstration could be furnished of the necessity of devising some elastic machinery capable of adapting itself to these tremendous numbers, this gigantic growth?

But the want of accommodation is not the only, nor even the most pressing evil. "It is a significant fact" (says Mr. Oakley, who drew up the report of the committee), "and one that well reflects the variety and multitude of interests included in your lordship's diocese, that from its opposite corners—from Bethnal Green and Whitechapel, from Willesden and Mill Hill—the cry is heard, and echoed in complaints of the same evil from many other places, for some forcible protection to the children of the poorer classes from the temptations of the labour market—some power to compel their attendance upon elementary education. And there can be little doubt that the looms and the workshops of the east-end, and the brickfields, dairies, and and market-gardens of the western suburbs, do contain a whole population of neglected children, who, but for some such enactment, will be thrown ignorant and degraded upon the hands of the next generation." And, if this be the cry from London, that from Manchester is not less earnest and decided. The Committee of the Educational Aid Society, on whose information I have so largely drawn, assert their belief that more valuable than the aid they have extended to 7,000 or 8,000 perishing children, more valuable than the knowlege of their social wants which they have revealed to their fellow-citizens, is the proof they have supplied "that no voluntary or private effort can reach the depths of this evil in the social constitution, and that further legislation is urgently needed, such legislation as shall boldly seek to provide for, and, as far as possible, secure the primary education of every child in our great community."

I have dwelt hitherto on two of the imperfections in our educational system which have been selected for discussion on the present occasion. I will now briefly put before you the best estimate I can form of the work to be done—*i.e.* of the number of children of the poorer classes to be educated—together with a statement of what has been done by Parliament. The population of England and Wales at this moment cannot be less than twenty-one millions. The proportion of children of all classes between three and twelve years of age is about 4,420,000. The rule of the Educational Department of the Privy Council Office, which has stood the test of much experience, is that there ought to be school accommodation provided for one-sixth of the whole population. It may be fairly assumed,

therefore, that there are 3,500,000 of the working classes between three and twelve years of age, whom it would be very desirable to have at school. During the year ending August 31, 1865, Her Majesty's Inspectors visited 10,519 departments of annual grant schools, with 1,247,379 children on the books, and 881,948 in average attendance. I will assume that all these children are provided with good schools; to them I will add (a very liberal estimate) 350,000 children receiving their education in good unassisted schools, making 1,600,000 sufficiently provided for. I will further add (a much more liberal estimate) 800,000 in indifferent schools, and we get a total of 2,400,000 children at school, leaving 1,100,000 unaccounted for, of whom, probably, following the experience of Manchester, 250,000 are at work.

Let me now briefly advert to the action of government. And here let me remark that it is only just to the eminent statesmen belonging to the two great political parties to recall the fact that they have acquiesced from necessity in the compromise on which our present system is founded. The names of Earl Russell and Earl Granville, Lord Lytton, Sir John Pakington, Mr. Adderley, and Mr. Milner Gibson may be found appended to measures not identical, differing indeed in important particulars, but far more comprehensive and stringent than either Parliament or the country was prepared to adopt. The demand of the advocates of a national system is that the Legislature should provide machinery by which schools should be built and maintained wherever they were wanted. To this demand Parliament has declined to accede. However urgent the need, however absolute the destitution, Parliament refuses to supply, or to enforce the supply of a single school. It contributes with no reluctant or niggard hand towards the erection and maintenance of schools which have received a certain amount of local support, and give certain guarantees of good management and efficiency. But it initiates nothing. That the grant voted by Parliament, and dispensed under the superintendence of the Committee of Council on Education, has done immense good, and has not yet reached the limit of its useful operation, I should be the last to deny. I doubt whether any nine millions of our vast expenditure have been ever so beneficially applied as those devoted to the promotion of education. The annual grant has provided for the inspection and largely contributed to the maintenance of schools in England and Wales, at which some 1,250,000 are receiving an excellent elementary education. These schools are taught by upwards of 11,000 certificated teachers, probably the best of their kind that any country contains, the cost of whose training has been mainly

contributed by the State. It has greatly improved our school-buildings and apparatus, and everywhere, even where it gives no direct aid, it has tended greatly to raise the standard of education. It has indeed, improved in a far greater degree than it has extended education. I do not deny that the £1,600,000 it has contributed towards the erection and enlargement of school-buildings have added something to their numbers and still more to their convenience. But the real substantial work done by the parliamentary grant has been to give us better masters and mistresses, and to test their work by the instrumentality of inspection. If any one doubts the correctness of this statement, a reference to the estimates of last year will satisfy him. During the year 1865 the State contributed only to the building of 65, and the enlargement of 46 schools, providing additional accommodation for 15,302 children. But during the same time it extended its aid to no less than 610 schools not previously in receipt of annual grants. The 112,000 children present at inspection in excess of the numbers of the preceding year must be considered, not as additions to the number of children at school, but to the number of those attending good schools. And the value of the work thus done it is hardly possible to exaggerate. Who can place limits to the social and moral effects of a good school, its influence upon the character, the intellect, the careers of those who have had the good fortune to profit by it? To substitute a good for an indifferent school in a district, is to regenerate it, to breathe new life into it, gradually but surely to work a revolution in the lives and fortunes of its inhabitants.

But beneficial as is this work of improvement, it must not be forgotten that other work has to be done, and that to provide schools where there are none, and to secure the attendance of our youthful population, are matters well deserving the attention of our Legislature. For this work I do not hesitate to say that our existing machinery is not only inadequate, but unsuitable. Some modifications in the practice of the Committee of Council may, I think, be advantageously introduced. The contribution towards the erection of the schools might, considering the increased cost of building, be made on a more liberal scale. The difficulty of maintaining efficient schools in our rural, and some of our poorer manufacturing districts, would be alleviated by raising, in all cases, the rate of payment for the first 100 children. Possibly other alterations, not subversive of the principle on which the grant is made, may be suggested; but any large departure from its present practice, by making special allowance for the supposed poverty of a district, would be inconsistent with its fundamental principle, and

inevitably lead to its overthrow. If poverty be pleaded as an excuse for the meagreness of the local subscriptions, what test can be applied to the validity of the plea? The Valuation List? But many of the places most needing aid are districts of great rateable value, having the misfortune to be removed from the presence, and therefore from the sympathy, of their proprietors. Even in the rural districts there is good reason for doubting whether the failure to reach the conditions of the Government grant is not due to other causes than poverty. Much important evidence on this subject may be found in the Report of the Select Committee on Education which sat during the present session. It is undoubtedly conflicting. Many witnesses stated that in a large proportion of rural parishes it was not possible to raise sufficient funds to fulfil the essential condition of employing a certificated teacher. On the other hand, in the diocese of Bangor, no less than 104 out of 110 schools in connection with the Diocesan School Society obtain an annual grant. In the diocese of Canterbury 66 per cent. of the schools receive the aid of Government, and the causes which prevent the remainder from doing so were stated by the diocesan inspector to be accidental and temporary, and not due to poverty. So in the diocese of Oxford, it was shown that the majority of the rural schools found no insuperable difficulty in complying with the conditions of the Government grant, and that the parishes in which they were situated were not distinguishable from the remainder by their superior wealth. The disabling cause was the indifference of the landowners, the lethargy, sometimes the caprice, of the clergyman, the unwillingness to remove an old uncertificated teacher, in fact, any cause but poverty. In one diocese, a diocesan inspector of great ability and experience stated that the absence of annual grant schools in his district was due to the dislike by the clergy of state interference—that is, of the visit of the inspector.

Now, while I acknowledge the hard case of the population which finds itself deprived of the benefit of the grant by the apathy, caprice, or secret hostility to education among those who, from property and intelligence, should be the promoters of schools, I confess myself unable to discover any method by which the present system can be rendered sufficiently elastic to meet such cases, without making a fatal inroad on the very principle on which it rests. We must, instead of having recourse to petty and mischievous makeshifts, boldly face our difficulties, and by enlightening the public mind and awakening the public conscience, enable Parliament to supply us with machinery which shall impose on all alike the duty of providing education for our whole population. I know the objections to

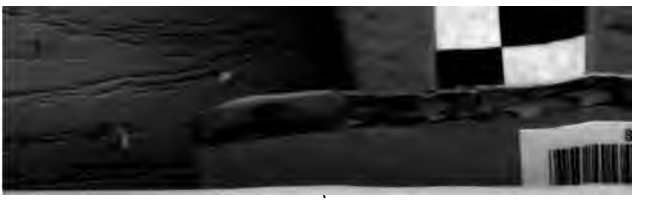
such a proposition; I appreciate the difficulties of carrying it; I foresee the religious controversies to which it will give rise; I admit that we run the risk of losing some considerable advantages connected with the present system; but it is my deep conviction that the balance of good lies on the side I advocate. Briefly and generally stated, my proposition would be to maintain the present system where it works well, but wherever satisfactory evidence is given that the provision of education falls short of the wants of the population, to supply the deficiency by an educational rate. It is affirmed that even this partial introduction of the rating system would be the death-blow to all voluntary effort. I have no doubt that many schools now maintained with difficulty by the voluntary sacrifice of a few over-weighted men would be devolved upon the rate. But I do not believe in the extinction of the voluntary system. It is too deeply fixed in the habits of a large portion of our people, its advantages are too strongly felt, both by Church and Dissent, to be easily uprooted or readily surrendered. Nevertheless, experience has proved that the voluntary spirit, in its full power and development, is the growth of certain favourable soils, and that there are wide, ungenial regions in which it can find no sufficient nutriment. In districts like the principality of Wales, where the population is not collected in overpowering masses, and the voluntary system is thoroughly organised; in many of our rural parishes, where the squire and clergyman work heartily together; in those portions of the country where the rich, poor, and middle classes co-exist in fair proportions, our present system has very nearly supplied the means of education, and may be trusted to make up the deficiency within reasonable time. But in the poorer districts of our larger cities, in parishes where the clergyman struggles in vain against the niggardliness of the landowner and the apathy or hostility of the farmer; in those places, in fine, which the voluntary system, after thirty years trial, has failed to reach, some other means more stringent and peremptory, and independent of individual caprice or illiberality, must be found. The alternative is the growth of a vast population in ignorance and vice, with ever-increasing danger to the State, and to the reproach and scandal of a civilised and Christian people.

The settlement of the question, "whether we are to have a national system of education," must, it seems to me, precede the consideration of any measure of compulsory attendance; and I confess that I should regret to see the energies of the friends of education expended in that direction. Laws of compulsory attendance may almost be said to exist only where

they are not needed, as in Prussia, in some of the Swiss cantons, in Massachussetts, where the conviction of the value of education is so deep and general that the only use of such an enactment is the formal recognition of the duty of parents to their children. I am satisfied that among ourselves such a law would simply be inoperative, that it would not and could not be enforced; and I would therefore venture to recommend that, placing our chief confidence in the growth of a better spirit among our people, and sparing no effort to evoke and cherish it, we should exert ourselves to obtain such indirect aid from the Legislature as is suggested by the precedent of the Factory Acts.

The last extension of the principle of these acts in the Pottery districts, and to some five or six new trades, has already had the most beneficial results, unalloyed by any of the predicted inconveniences. There can be little doubt that similar regulations will shortly be extended to many other occupations, in accordance with the suggestions of the Children's Employment Commission. When this great step has been taken, and one more proof afforded of the feasibility and advantage of such legislation, Parliament will, I hope, gain courage to make one general law, that no child under twelve or thirteen years of age shall be allowed to work without producing a certificate that he is able to read and write. Such a law, accompanied by an adequate provision of schools, would not be long in conveying, even to the most ignorant and degraded of our population, that sense of the value of education, which is the truest indication, as it is the fairest fruit, of advancing civilisation.

I will leave to others who are, I believe, prepared to address you on the subject, the task of suggesting the best means of superintending and utilising our educational endowments. I fully recognise the importance of the subject, and the good which may result from its discussion. But it has always appeared to me doubtful whether these endowments could be made as largely and generally available for the education of the poor as some sanguine persons have supposed. Whatever changes in their administration may be effected; to whatever extent the smaller charities may be consolidated, and useless and mischievous ones devoted to the purposes of education, the present local distribution will, I apprehend, be virtually preserved. That distribution is so uneven, so widely different from the distribution of our population, that it seems inevitable that the best arrangements which can be made will only work a partial good. And I would venture to express a hope, first, that even in the interests of the working classes, no



considerable portion of these endowments may be diverted from middle-class to elementary schools. In the absence of national middle-class schools, such as exist in France and America, I hold it to be of the utmost importance that we should furnish to the most gifted among our poorer fellow-countrymen the means of obtaining a superior education. Secondly, I would urge that the largest possible provision should be made from these funds for the improvement of female education. There is, I am satisfied, no more crying want in our age than that of a sound and solid education for our women. I need not insist upon the immediate bearing of this subject upon that now under discussion. Education is like the cloud,

"Which moveth altogether, if it move at all."

Any substantial improvement in the education of our middle classes will tell directly and powerfully on those immediately below them in the social scale. Again, one of the difficulties which retards the progress of education is the demand for male labour, sensibly limiting the supply of masters, except at rates of payment beyond the means of many of our schools. I look with hope to a remedy for this evil in the example of a country which has outstripped all others in the extent and completeness of its public system of education. In the United States of America, the work of education, not only in the elementary, but even in the more advanced classes of schools, may be said, almost without exaggeration, to be carried on by women. In the schools of Massachussetts there are 9,340 females employed as against 1,544 male teachers; and the proportions in many other states are nearly similar. Here are some instances:—

	Males.	Females.
State of Connecticut, winter schools .	757	1,338
" " summer schools .	135	1,892
" New Hampshire	759	3,262
" New York	5,707	21,181
City of New York	202	2,057
" Boston	63	522

The State superintendent of the New York schools, states that it is impossible to over-estimate the value of the influence thus brought to bear upon daily developing mind and character in our schools.

The great subject, however, for our consideration is how to give to our fellow-countrymen that indispensable minimum of education which is, in the language of M. Guizot, the author of the greatest and most successful scheme of national education in our days, "the bare debt of a country towards its off-

spring, sufficient to make him who receives it a human being, and at the same time so limited that it may be everywhere received." The demand is so reasonable and moderate, that in a country like ours, so full of good and conscientious men, lovers of the public weal, and impatient of all recognised evils, it would seem only necessary to proclaim and prove the necessity for a remedy in order to secure its application. But, alas! the forces combined against the adoption of any comprehensive system are many and powerful. Once more we shall find arrayed against us the fears, the jealousies, and, what is more formidable, the deep-rooted convictions of religious bodies. Once more we shall encounter the enthusiasts of voluntary effort. And I greatly fear that the majority of our ruling classes are as yet rather inclined to self-complacent congratulation on the progress we have made than to acknowledge the necessity for renewed and more systematic exertions. It would almost seem that nothing less than one of those pre-revolutionary examples which have so often roused our forefathers [illegible] would awaken them from their present torpor. Fear of an insurrection brought in Catholic Emancipation; an Irish famine was the death-warrant of the [illegible] in Ireland; some time, we may hope, [illegible] a more simple [illegible] [illegible] of national education. [illegible] of a large [illegible] and the [illegible] [illegible] [illegible]

Address

BY

W. FARR, M.D., F.R.S.

ON PUBLIC HEALTH.

PUBLIC HEALTH is the subject of inquiry in your third department. Every life here, the life of every community is surrounded by dangers, which it is the business of science to study and of art to avert. These dangers are of various kinds; they spring from various sources. Enemies abroad and criminals at home are dangers to which every government is alive. There are other dangers not less formidable. Famine now ravaging India, cholera in Europe, early deaths, sufferings in hospitals, fevers in homes, are instances of a class of dangers that we seek to investigate, avert, and disarm.

Health implies more than existence; it implies energy. In Anglo-Saxon, one word designated healthy man, hale man, brave man, hero; and *háelend* was healer, saviour. These simple but noble conceptions it is our business to bear in mind. Development as well as conservation of life is the aim of public hygiene—the name by which our science is known in the continental schools. Private hygiene deals with individuals, public hygiene with communities; but, inasmuch as nations are aggregates of men, it is evident that the division into parts is only made for the convenience of study and of administration. Some things a man can do himself, others can only be done by town councils and imperial governments. It will be an advantage to confine our discussions to the latter field.

As political economy rests upon the idea of value, so our science rests upon the idea of health, and it is as important to us to find a measure of health, as it is to the economist to find a *measure of value. That measure must be simple, and applicable to all countries. Now, the measure that is in universal use is the rate of mortality*: a unit of life loses a *certain fractional part by death* every moment, and the amount

of loss in a unit of time expresses the rate of mortality. The rate varies from ·020 to ·040 in England; that is, in one place the deaths are 20, in another, 40 to 1,000 living. Indeed, the range is still greater without a correction to which I will shortly advert.

In a normal community constituted of persons of all ages by an equal number of annual births, there is a fixed mathematical relation between the rate of mortality and the duration of life. Thus, if the average rate of mortality in two cities is 2 per cent. and 4 per cent., then the mean duration of the lives of the inhabitants is 50 years in the one city, and 25 years in the other. Therefore, in saying that rate of mortality measures, it is conversely affirmed that length of days measures the health of nations. As the population fluctuates, certain corrections are necessary; the rates of mortality are determined at various ages, and from these the probabilities of living year by year are calculated and set forth in a Life table that determines the path every generation passes over from its rising to its setting.

The mortality is really a life measure, for the people living to a given sum of births increases in exact proportion as the duration of life increases.

If it is only an indirect measure of some of the elements of health, according to our larger definition, it expresses in masses the sickness, measures very accurately the influence of a variety of causes on life, and is a safe guide in practice.

Public health now engages the attention of every civilised state; so we can pass in review the principal populations of Europe, and from the researches of their own statists learn by this measure their comparative health.

I take the population in the lowest stage of health first, beginning with Russia. That empire is emerging from barbarism; and its condition enables us to conceive the state of the population of Europe in the dark ages. The people of various races between the Caucasus and the Arctic Ocean, the Oder and the Ural Mountains, die at all ages, from birth up to 100 years, but their mean lifetime is only 25 years.* The marriage rate is 10, the birth rate 45, the death rate 36 (per 1000 is always understood, unless another scale is mentioned). Thus birth, marriage, death, succeed each other rapidly among the sixty millions of people diffused over nearly two million square miles of steppes, forests, farms, and river-side pastures. In Archangel, where the greatest *extremes of cold* are experienced, the mortality is nearly the

* Reg. Gen. 6th Report, p. 327.

same as it is in England; in Esthonia and Courland, on the Baltic, the rate is low; so it is in Finland; while about the Caucasus, the Black Sea, and the Caspian, it ranges from 40 to 52.* Whenever the mortality is excessively high in any place, its causes can now almost always be discovered; they are familiar enough to us in England; but as they take different forms in different countries, and are the subjects of inquiry in Russia itself, it is not my intention to dwell on them. Russia has emancipated her serfs. Russians have taken a conspicuous part in the international statistical Congresses; they are frequently inquiring into what is doing in England; and if I mistake not, English engineers have been consulted on the water supply of one of their capitals.

Italy extending from the Alps across the middle of the Mediterranean, offers a strong contrast to Russia; it is divided by the Appenines, breathes the air of the sea, is not frozen by hard winters, is the home of the arts, and inherits the renown of the empire of the world. But the Italian people suffer much; few live to their natural term; the death rate is 30.† I speak now of the new kingdom of Italy. The death rate in Piedmont and Lombardy, and in the islands of Sicily and Sardinia is 29; south of the Po, in Parma, 35; Modena 31; Romagna and the Marches 31; Tuscany 33; Naples 35: Umbria is the healthiest province of Italy, rate 27, and Rome, thanks to her aqueducts, is perhaps the healthiest city in Italy. Venetia, under the Austrians, was in health on a par with Tuscany, 33. It is a peculiarity of Italy that the population of the country is as unhealthy as that of the towns. This low standard of health is the fruit of the former state of things, as the new government has had little time to do more than bring the evils to light, which luxuriated under small paralysing despotisms. As the science of Italy reveals the evils and their causes, the people will find remedies; and among the first will probably be the restoration of the great drainage works, and the magnificent aqueducts of their ancestors. Improved health will increase the military power of Italy. East of Italy is Greece, which holds only a fraction of the Greeks, about whom little can yet be said; and Turkey, Syria, Egypt, North Africa. All that is known about these fine regions of the world is that they are desolated by diseases, are unhealthier than Russia or Italy, and are nurseries of the plague that subjects Europe to the vexatious oppression of quarantine.

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* *Reg. Gen. 6th Report, p. 317.*

† *Three years, 1862-4. Reg. Gen. 27th* Report, p. xxxviii. The *mortality of provinces is for the year 1862.*

Spain lying west of Italy, between the Mediterranean and the Atlantic, mountainous, and divided by deep cut rivers, was perhaps, when she colonised South America, the healthiest country of Europe. The death rate of Spain is now 28.*

Between Italy and Russia, on the Danube, extending from the Carpathians to the Adriatic, lies the Austrian empire, full of natural resources and pervaded to a considerable extent by the industry and science of Germany; yet the death-toll of Austria is high, it is 30.† The mortality of Prussia is not quite so high, it is 29; in Bavaria, on the Upper Danube, it is 29; in Saxony, on the Elbe, 29. At such rates 72 millions of Germans and their associated races die. In none of these countries do the people live on an average 30 years.

We now enter a healthier region of Europe, of which England is the centre; where the people live, on an average, 35, 40, or 50 years, and where a fuller life is enjoyed. Take Norway for example, with its Udal proprietors along fiords and streams; there the mean lifetime of the people is full 50 years. The death rate is 17; the birth rate is 34. They are, as the old sagas teach us, at home on the ocean, and emigrate freely. In Sweden as well as Denmark the mortality rises to 22; and the mean lifetime of the Scandinavians is about 44 years. Sweden, I may remark, is famous in our science for furnishing Dr. Price with the data from which the first national life table was constructed. In Hanover the death rate is 23; and in Holland, on its canals and river deltas, where the greatest natural sanitary difficulties are found, the mortality is 26;‡ the mean lifetime is 35. In Belgium other difficulties have sprung up; the population is the densest in Europe, thanks to its industry, but the death-toll little exceeds 22. If we ascend the Rhine to Switzerland, we there find several healthy cantons.

In France, that various and beautiful land, lying between England and Italy, Germany and Spain, the death rate was 23; in the last year or two it has fallen to 22, as low as that of England.

No variation in the health of the states of Europe is the result of chance; it is the direct result of the physical and political conditions in which nations live. This is so well understood, that the people of every country are associated with

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* Four years, 1861-4. † Eight years, 1857-64.

‡ Sweden, 1841-55, mean lifetime males, 41·28; females, 45·60. Holland, 1850-9, males, 34·12; females, 36·43 years. Berg and Baumhauer. See Paper by Hendriks' Journal of Stat. Soc., vol. xxvi. *p. 423.*

you in these inquiries, and are watching the progress of the great question of Public Health in England. Yet its vital importance is nowhere fully recognised; its influence in the history of mankind is lost sight of in the din of war, and in the terrors of revolution. With what just eloquence have Burke and the historians of all nations denounced the furious executions of Paris. But in Germany, including districts under paternal well-intentioned sovereigns, some 300,000 men, women, and children are killed every year by diseases, in excess of the numbers dying of the same diseases in France.* Under the indolent princes of Italy, the annual life-loss in excess exceeded 150,000 lives annually. Not to save in some circumstances is to destroy. Can we wonder, then, at the feverish uneasiness of those great populations, whose instincts have led them at last to coalesce in powerful states.

I now ask you to consider the sanitary state of the United Kingdom. The rate of mortality is 22. The rate is nearly the same in Scotland, England, and Wales. But how fares it with Ireland? Well, as far as official documents go, the death-rate of Ireland is 17; and, after every allowance for defects in registration, which has only been recently established, I do not think the death-toll of Ireland can be set higher than that of Scotland.

From the English Life table we learn that the mean lifetime of the nation is 41 years (40·85),† and this implies a corrected mortality of 24 (exactly of 24·47) annually, whereas by the ordinary method the mortality is 22 (or 22·45). The difference arises from the increase, which throws into the population a mass of young persons at ages when the mortality is below the average. The average age of the dying is reduced from the same cause: it is 29·4 years. Similar corrections of the mortality are required, and will ultimately be made in other countries.

The mean age of the population by the Life table is 32 years; the mean age of the enumerated population in 1861 was 26½;‡ the difference of 5·5 years arises from the same cause. If a normally constituted population has lived 32 years, it will live 32 years under the same law of mortality;§ but in England,

* The mortality in France 1853-62 was at the rate of 23·82; Prussia 1851-60, 29·00; Austria 1857-62, 30·38; Italy, 1862, 31·28 per 1000.

† *English Life Table*, p. 22, based on returns of population, 1841 and 1851; and 6,470,720 deaths in 17 years, 1838-54.

‡ Report on Census, 1861, p. 110.

§ *See this curious law demonstrated in English Life Table, Introduction, p. xxxii.*

the age of the people is now 26·5 years; and they will live 35·6 years on an average. As they are younger they have an ampler prospect of life before them than a stationary population.

You are aware, that more boys are born alive than girls, and the boys dying in greater numbers, this provision of nature brings the sexes nearly to an equality at the age of marriage. Thus, of 1,000 children born in England,* 512 are boys, 488 girls; 334 men, 329 women live to the age of 20. The excess of boys is reduced from 24 to 5; and if there was no emigration and foreign service, the men of the age 20-40 would exceed the women in number. An unchanging million of annual births will produce, according to the law of vitality in England, a population of 20,426,138 males, 20,432,046 females, large numbers differing quite inconsiderably.

The births registered in the United Kingdom in 1865, exclusive of the islands in the British seas, amounted to 1,006,223, and this is below the actual number, as all the births are not registered in Ireland or England. The population of the United Kingdom, including the islands, is now estimated at 14,775,810 males, and 15,553,397 females. England differs from the other countries of Europe in this respect;† it has 250,356 men in the army, navy, and merchant service abroad, on the seas, and in English possessions. This leaves 14,525,454 males at home, against 15,553,397 females. The females exceed the males in the United Kingdom by 1,027,943. After deducting the men abroad having English homes, the number is reduced to 777,587 women. The proportionate number is greatest in Scotland, least in Ireland.

Nevertheless, if our calculation is correct, the men must be somewhere in existence; and, in fact, in America and in Australasia alone, at the last census, the males found exceeded the females by nearly a million (972,530‡). Allowing for the share of other nations in the surplus, there can be no difficulty in identifying the men of which the 777,587 women at home complete the calculated couples. The men are in Newfoundland, New Brunswick, Canada, Australasia, and the United States, whither the women have hitherto hesitated to sail from home across the ocean; but with constant magnetic communication, commercial intercourse, and the intimate union of the

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* See Life Table, p, 24. † Census Report, 1861, p. 5,

‡ Excess of males in Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and Newfoundland, 68,740; United States (census 727,085; Australasia, 176,696.

people on both sides of the seas, the equilibrium of the sexes cannot fail, in the end, to be re-established.

It is gratifying to find that the health of the English race in North America and in Australasia, so far as we can judge from imperfect documents, is not worse than it is in England; and that those rising communities are eager to adopt all the sanitary improvements of Europe. In some respects they have gone ahead of Europe; I may refer to the magnificent aqueduct pouring the fresh streams of a mountain river into New York since the year 1842, when Paris and London were drinking polluted waters from the Seine and the Thames.

A word on the growth of population in England, which is unquestionably one of the weightiest of all our hygienic problems. The population of the United Kingdom was 16,302,410 in the middle of 1801; it is now 30,329,207. Population naturally increases in geometrical progression; and in this country, the rate of increase was very uniform during the fifteen years of war down to 1815, and the fifteen years following. After the reform of parliament and catholic emancipation, so well calculated to content the people, the rate of increase decreased slightly down to 1841; and then rapidly, after the potato blight and the repeal of the corn laws, during the exodus, down to 1851; and since more slowly. The decennial rate of increase was 15 per cent. (1821-31), 11 per cent. (1831-41), and in the last decenniad (1851-61), 6 per cent. Thus our population increases at a decreasing rate; which implies that the increase will cease. In the first 30 years of this century, the addition to the population was 8,121,178; in the second thirty years, it was 4,935,339. The rate of increase was 50 per cent. in the first, and 20 per cent., in the second period.* The great perturbation took place in Ireland, where the population rose two millions in the first, and fell two millions in the second period. In England, the population increased five millions in the first, and six millions in the second period.† The change in the rate of increase is due to no decrease of energy, but to the flood of emigration; for the population, like a mighty stream, flows into America and Australasia. The population of the American colonies, of the United States, of Australasia, and of the United Kingdom, was *twenty* millions

* The first ratio $r = 1{\cdot}4982$, the square root is $1{\cdot}2240$; which is nearly the second ratio $= 1{\cdot}2021$.

† 4,933,467 in 1801-31, and 6,124,854 in 1831-61; or 54 per cent., and 44 per cent., on the population. See Reg. Gen. 27th Report.

in 1801, *thirty-eight* millions in 1831, and *sixty-five* millions in 1861. Here is an increase of 18 and of 27, or in the aggregate of 43 millions in sixty years; and after deducting sufficient numbers for the increase of alien races, a residue is left equal in its multitude to the present population of France. The English race thus unites the two worlds, and attains, while multiplying freely on both sides of the Atlantic, nearly the same standard of health.

I have, in this rapid survey, necessarily treated the health of nations collectively; but each nation consists of parts differing widely in health. Thus, in Prussia the death-rate is 25 in the Rhine provinces, 36 in Prussia proper. France presents similar disparities. And in no countries are the disparities greater than in England. Districts of this kingdom, more populous than Norway, are as healthy as Norway; whilst several of our cities, teeming with industry, intelligence, wealth, and population, pay a death-toll as high as Russia. I enter into no details because this subject has been discussed by gentlemen deeply interested in these districts, who have developed the facts, and will, I hope, after laying bare the causes, be able to say that they see the way to effectual remedies; so that in city and village alike the health of the English people may increase faster than their numbers.

In the great Arsenal at Woolwich, the other day, I was much struck by the vastness of the works: there you see the latest inventions of chemistry and mechanics turned to account; children, stalwart smiths, engineers and men of science are all engaged in casting bullets, making cartridges, filling costly Armstrong shells, building up ordnance of terrific power to arm iron ships, or inventing new explosives. I confess that the thought that every bullet is cast with the deliberate intention of killing a man, made an impression on my mind; and this was deepened by the reflection that the Arsenal is necessary, as similar operations are going on all over Europe. Nations are passionate rivals in the art of destroying life in war. Why should they not evince the same ardour in the art of saving life in time of peace?

Life can be saved by studying the causes of its destruction—injuries, and diseases. Lightning had no sooner been identified with electricity, than Franklin invented the lightning-conductor. With his knowledge of flame and gases, Davy invented the safety-lamp, to save men from the effects of explosions. The same object is now secured effectually by the improved ventilation of mines. Fire-escapes and fire-guards

save lives from the flames. Lifeboats rescue mariners from the waves. Chemistry finds antidotes for poisons. Surgery, armed with Harvey's discovery, ties bleeding arteries. From Jenner, medicine has learnt by vaccination to prevent small-pox. And this brings us to the cholera, over which new power has been recently acquired, by the discovery in England of the laws of its propagation.

A surgeon dips a lancet into the pustule of a small-pox patient; on its point is a drop of transparent lymph; and that lymph mixed in the blood of a child that has not before had the disease, reproduces the lymph in new pustules, which will again propagate the disease among other children. This matter is also volatile, and other children, brought into the same atmosphere, are said to catch small-pox. If lymph is derived from a cow-pox pustule it reproduces cow-pox. In large lying-in hospitals it has been found by repeated experience, that child-bed fever, or what I call *metria*, is generated: one woman falls ill, other women take it; every fresh patient that enters dies; and if the hospital nurse attends a lady out of doors, that lady will probably die of child-bed fever. Erysipelas, pyæmia, and gangrene are generated, when wounded soldiers are crowded in military hospitals; and the specific matter of each of these diseases produces the same specific diseases in other soldiers.

Typhus has been generated in jails, and has infected judges in courts as it infects physicians in hospitals. Here is a large number of diseases which we know how to produce; and a second group equally numerous we know how to propagate —such as measles, scarlatina, hooping-cough, and small-pox. In the statistical nosology, I classed all diseases of this kind together, under the head of Zymotic diseases; and in the analysis of morbid phenomena named the different species of matter generated in each malady. Thus, selecting a few, the matter of small-pox (variola) is called *varioline;* of cow-pox, *vaccinine;* of erysipelas, *erysipeline;* of scarlatina, *scarlatinine;* of syphilis, *syphiline;* of typhus, *typhine;* of dysentry, *enterine;* of cholera *cholrine.** These matters introduced into the blood directly by inoculation, or by air, or by water, only induce their transformations in a certain number of the persons exposed to their action. They vary from day to day in strength. Cases of small-pox, for instance, occur every week in London: few children die of small-pox for weeks together; when suddenly the *varioline* becomes

* Registrar General's 4th Annual Report, 1842, pp. 186—216.

active, is multiplied with redoubled velocity, destroys large numbers, and after a time again becomes quiescent. All zymotic diseases follow this law, and are hence called epidemics, endemics, plagues; which, as their cause is not evident, have often been referred to supernatural agency. In their course they are generally influenced by atmospheric vicissitudes; but the zymotic stuff probably acquires its extreme diffusiveness in some wretched families, under hygienic conditions that favour its creation. Asiatic cholera thus originated in the delta of the Ganges, in spots where the huts are on mounds, surrounded with pits, which are the receptacles of dejections and of the stagnant water the natives drink. Jameson says, "bad water no doubt sometimes immediately induces the disorder."* In India they had advanced scarcely any further in the etiology. The English reports on the epidemic of 1832, and the elaborate official French report,† discussed all the conditions, except one, likely to influence its course, and the results were purely negative. They stated but did not solve the problem of the disease. The English system of registration was established in 1837, and in the epidemic of 1848-9, the age, profession, date of death, and the place of death of each person by cholera was published by the Registrar-General in the London weekly tables of mortality. These tables were freely distributed among men of science, who had thus an opportunity of studying the facts. London presents a favourable field for the analysis of epidemics. It has a vast population, spread over a large area at different elevations, rising from ground below the Thames level to Hampstead and Norwood; the population exists in every degree of density, in every degree of poverty and wealth: it was supplied in 1849, by eight companies, with unfiltered water, some of it drawn from springs, the rest from different points of the Thames, and its tributary the Lea. At that time the sewers of London poured their contents into the Thames, at different parts of its course, so that the waters of the companies differed very much in impurity: at Hungerford Bridge the water was charged with soil, and higher up the tidal stream was comparatively pure. It was immediately found, on examining the returns, that cholera was much more fatal on the south side of the Thames than on the north; and at the close of the epidemic, calculation showed that the mortality had been

* Cholera Report to Reg. Gen., p. lxxvi.

† Rapport sur la Marche et les effets du Cholera-Morbus dans Paris, 1834.

at the rate of 41 on the north, and 120 in 10,000 on the south banks. The two populations differed in many respects, and further analysis was necessary. The population in 38 districts, each * a large city in magnitude was variously grouped according to (1) wealth determined from rated value, (2) density, (3) elevation, and (4) water supply. It was shown that density and wealth in their different degrees had an influence on the mortality of the epidemic; but that the effects of these influences were completely overwhelmed by the influence of bad water and of elevation. Thus, the six districts supplied with the least impure water lost in every 10,000, 15 by cholera; the twenty districts getting still more impure water lost 48; those getting the water from the parts of the Thames saturated with sewage lost 123. The air, the water of wells, and the water containing impurities in suspension running along tubes under ground from the river up the sides of heights, contain different amounts of such matter in suspension at different elevations; and it was found that the mortality ranged from 177 deaths by cholera in 10,000 people on a level with the Thames, to 102 among those living on ground 10 feet higher; and thus the mortality fell to 65, to 34, to 27, to 22, to 17, to 7; as you ascended, 30, 50, 70, 90, 100, 350 feet above Trinity high-water mark. In the epidemic of 1853-4, and in the epidemic of 1866, the same laws prevailed.

That was all we could rigorously determine in 1848-9, and the experiment was incomplete, as the drainage of the ground and other conditions in which the people of South London live, differ in many respects from the corresponding conditions on the north side of the Thames. South London is supplied chiefly by two companies. In the interval between 1849 and 1854, one company, supplying South London, was driven higher up the Thames, and got above Teddington lock water uncontaminated with London sewage; while the other company still drew its water, in 1854, from the impure stream below. Here was an experiment on a grand scale. Asiatic cholera was epidemic once more, and retained its full power of destruction in the districts still supplied with impure water; but it was discovered in the returns of the weekly tables, that the mortality in the districts supplied with the better water was diminished. The difference was striking in houses of the same street, supplied by the two companies; and it was observed every week, in every district: after the epidemic was over, the two companies furnished lists of all the

* Registration Districts of London, 36; two were sub-divided.

houses which they supplied; and when the deaths by cholera in these two classes of houses, both in 1849 and 1854, were taken out at the General Register Office, and tabulated, the result satisfied the committee for scientific inquiries of the Board of Health*, that the diminished mortality was due to the change in the quality of the water.

This reasoning involves no theory. The result is arrived at by induction drawn from a vast number of instances all concurring. But I am bound to notice here an important theory, which was advanced in 1849, by Dr. Snow, a London physician, who died young, but whose name will not perish. This, in a few words, is Snow's theory:—The rice-water discharges are to cholera, what the lymph (varioline) is to small-pox; the matter is generated in the body, it is multiplied in the intestines, and diffused by direct handling, or by water, and I should add, by air in certain states, carrying it suspended as dust—cholera-dust.

Dr. Baly, in his able but cautious report to the College of Physicians, decided against the theory, and, in fact, the evidence then in its favour was not conclusive. But Dr. Snow persevered; he collected instances of the communication of the disease through pumps, wells, and rivers; and, in 1854, inquired at every house of certain districts where deaths from cholera occurred in Southwark. Thus he collected many new confirmatory facts. Some links had been left incomplete in the verification of the law that cholera matter (*cholrine*) is diffusible through water: these have been supplied in the present year partly by what I cannot but consider a deplorable accident.

South London, it will be recollected, was still supplied with impure water in 1854 by one company (the Southwark), and it suffered severely in the epidemic of that year. In the field of the other company (Lambeth), the mortality was much reduced, but was not inconsiderable. In 1866 South London was supplied with water by the two companies from the purer source; the shallow wells were dried by the metropolitan drainage, and the deaths by cholera in all the districts, holding 873,548 people, were not so numerous as the deaths had been in 1854 in a single district. Thus you have these sequences: in the Lambeth field, impure water, 1849, cholera terribly fatal—purer water, 1854, cholera much less fatal; in the Southwark field, impure water in 1849 and in 1854, cholera

* The Committee consisted of Arnott, Baly, Farr, Owen, Simon. The subsequent Report by Mr. Simon gives the final results of the Committee's investigations.

Gladstone, Miss Marsh, Miss Sellon, and Miss Louisa Twining, treading in the steps of Miss Nightingale, administered relief to the sufferers; the Bishop of London and the Lord Mayor upheld the honor of their high offices by indefatigable services. The medical men, and it is right to add, the clergy, nobly did their duty; the local authorities, to a greater extent than they ever did before, carried out the judicious recommendations of the Privy Council. House-to-house visitation was in many cases in use for a time.

By these means, by the exertions of the engineers of the companies, and by the early discovery of the source of the terrific mortality in East London, the plague has been stayed; we now know how Asiatic cholera can be subdued. Twenty thousand lives have been saved. This is an achievement in the science of health, which reflects some glory on England, and of which all the world will enjoy the advantage. It is due to many years of labor; to the labors of Jameson, Scott, Orton, Balfour, Martin, Parkes, in India; to Sutherland, Southwood, Smith, Baly, Gull, Simon, and especially to Snow, in England; to the English registration of deaths, which enabled us to demonstrate by several experiments in the largest city of the world, the fatal effects of water tainted by impurities.

How did it happen that the disastrous effects of the diffusion of this matter through water was not discovered in Paris or elsewhere? For this simple reason, that when the observer has under his eyes a population all supplied with impure water, he cannot logically refer the effect to the specific cause. For this happens in cholera, as in all zymotic diseases: only one individual in a given number is susceptible; for the sake of illustration say 1 in 4. Only one in the number susceptible (say 1 in 5), by chance comes in contact with the stuff; and only one vessel of water in a given number (say 6), contains a dose active enough to induce Asiatic cholera. Then by the doctrine of chances, only 1 in 120, (that is $\frac{1}{4} \times \frac{1}{5} \times \frac{1}{6}$), will be attacked, and about 1 in 240 will die of the disease. Great numbers will be attacked by diarrhœa and milder forms, but 119 will not be attacked by cholera, while 1 is attacked. Here

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was not perceptible, although no doubt traces would still have been found had it been carefully examined.

The bottles used held half a gallon each, the flow was caused by attaching a syphon to *A*, and with a clamp stopping it at will. The coloured or impure water entered so as to fall near the surface of the other; the water passing away was taken from the bottom.

This mode is favorable for a rapid removal of the impurity; true some modes are more so, but others much less so.

I may add that although the distress from the loss of thousands of children and parents in an epidemic is never wiped away, yet, in East London it was mitigated; the people behaved with courage and patience; they helped each other in danger, and they were succoured by enlightened English charity. The Queen herself came to their relief; Mrs.

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water and how much *pure water* remain at the end of the $(m + n)$ operation?

Taking a as 1 or any proper fraction let ax be the quantity of pure water remaining after the first operation, then a^2x will remain after the second operation, and $a^m x$ after the mth; as the vessel is still full the quantity of impure water is $x - a^m x = (1 - a^m)\,x$. In the reverse operation the impure water is continually diminished in the constant ratio a, and after the first change becomes $a\,(1 - a^m)\,x$, after the second $a^2\,(1 - a^m)\,x$ . . . . after the nth change, that is the $(m + n)^{th}$ operation, the quantity of impure water is $a^n\,(1 - a^m)\,x = (a^n - a^{m+n})\,x$. As in the reverse operation the impure water is replaced by pure water, the quantity of pure water is found by subtraction to be

$$= (1 - a^n + a^{m+n})\,x$$

If, instead of replacing the gallons of water withdrawn in the first m operation with impure water, a solution of arsenic is substituted, or a solution of a given quantity of any substance, then if the proportional part of the arsenic or other matter in 1 measure of water is expressed by q, then $q\,a^n\,(1 - a^m)$ will give the proportion of that substance in every unit of the solution, and the total in x such units of the solution by weight will be $q\,a^n\,(1 - a^m)\,x$, and the weight of pure water will be

$$\left\{ 1 - q\,a^n\,(1 - a^m) \right\} x$$

For arsenic substitute cholera matter, say for shortness *cholrine*, and the result will be the same.

But *cholrine* is unlike arsenic in this respect, it has the power of multiplying itself in the bodies of men, varies in strength, and undergoes changes in its activity.

It will be observed, that the quantity of poison increases faster than it decreases; and that the velocity of both changes increases as a decreases in value. A similar law is observed in the rise and decline of cholera.

Dr. Angus Smith illustrated this law by a beautiful experiment.

Three glass vessels (Wolff's bottles) were connected by means of glass tubes. They were intended to represent water reservoirs.

A was full of pure water, and was supposed to be supplied from *C*, but suddenly it is supplied by impure water from *B*. The impurity was represented by colouring the water with a solution of litmus.

As soon as three or four ounces of the impure water had passed into *A* the whole was coloured so much that it could be seen at a great distance, perhaps as much coloured as moderately light sherry. The connection was then broken with *B*, so as to exclude the impure water, and opened up with *C*. The pure water passing into the impure slowly removed the colour, but so slowly that the audience did not wait to see it quite finished. However, it may be said that after pure water to the extent of twenty-five times the impure had entered, the colour

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are apparently 119 instances in favour of and 1 against the water.

In the worst sub-district of the East London field, 193 in 10,000 people died of cholera. Say that 386 were attacked, then 9,614 were not attacked, and the health officer might reason thus: 9,614 persons in this district exposed to the cause—impure water—were not attacked, therefore the disease was not caused by the water; and of the 386 attacked some drank no water, the fact being that they were tainted in other ways. This logical difficulty is the origin of the greater part of the disputes on contagion. We overcame it by comparing the mortality of cholera in all the East London districts, the Lambeth districts, the Southwark districts, with the mortality of all the districts —many of them similarly situated as to condition—supplied with water from other sources. As the difference is uniformly enormous in successive trials at distant dates, the conclusion is irresistible.

In Manchester the people have, with great credit to their intelligence, secured a supply of pure water; in fact, the systems of Manchester and of Glasgow are models to other cities. But Manchester retains the excreta of the sick from all zymotic diseases, with other impurities, close to the dwellings and under the faces of the people. By comparing the mortality of the city so organised with that of London when the metropolitan drainage is in full operation, and with that of other cities where such matters are now carried off by water, they will be able to analyse the effect of their system of arteries without veins, and I suspect that it will be decisively condemned by the result.

The effect of a multitude of other causes on health, such as overcrowding, uncleanness, and drunkenness can be tested by the same methods.

To render our investigation of causes affecting public health complete, there should be a public registration of every form of sickness and infirmity, as well as tests of strength by the quantity of work performed, either mental or muscular. The conscription and recruiting examinations are the only tests now in use.

The sanitary society in Manchester has commenced some work of this kind, and will, I hope, persevere. In the diffusion of sound practical information, the Ladies Sanitary Association has already rendered services which we are bound to recognise. The *Lancet* Sanitary Commission has done excellent service, and so have writers on hygienic subjects in the *Medical Times*, and in the other journals. The universities of England will, I hope, ere long, teach formally, as the con-

tinental universities do, the doctrines of public health; and by recognising the doctrines in granting degrees, as suggested by Mr. Rumsey, they will promote the health of their country. Manchester and all our cities will, like Liverpool, Glasgow, and some districts of London, have accomplished officers, educated in the end specially for the purpose, keeping incessant watch over their health, like tutelary geniuses, and doing good not only to the inhabitants, but to mankind. For what good has been hitherto done by hygiene, however striking in building up healthy generations, is nothing compared with what remains for it to accomplish in times to come. Let there be a small ratio of improvement among the millions born in the successive generations of the English race—of the races of Europe—and under that law of geometrical progression with which the world has been sometimes terrified unreasonably, mankind will attain a degree of excellence of which we have now no conception. Healthier, happier men may become as by miracle only a little lower than the angels in the golden age, the paradise of the future.

How far we are from this consummation we are reminded by the untimely loss of our fellow-labourers. Since we met last year, Sir Charles Hastings, president of the Health Department at York, is dead. He was a man most friendly in his nature; and devoted himself to the organisation of a great medical society. His life was crowned with success: and he had the supreme felicity of seeing his son lay the foundations of this Association, in conjunction with some of the greatest and some of the best men of the age.

Address

BY

SIR JAMES KAY SHUTTLEWORTH, BART.,

ON ECONOMY AND TRADE.

THIS Association is founded on the idea that the growth of civilisation proceeds according to laws, the investigation of which is as much a matter of science as are the physical laws which govern the material world. The philosophy of history would, if accurately written, consist in an account of the operation of those laws amidst disturbing forces during the development of civil order and social prosperity from the chaos of barbarism. In an address which I delivered at Bradford, I drew attention to analogies in the operation of the moral and physical forces, intending to suggest that the work of the supreme intelligence and will is harmonious, seeing that both forms of force are agents in the development of one design, and have certain features in common in their modes of operation.

Thus, both in the development of civilisation and of the present condition of the earth's surface, all modern investigation tends to show that for many ages the changes necessary for these results have been so gradual as almost to escape the observation of contemporaneous races. For example, the growth of a nation like the English from the condition in which Cæsar found the Britons, has required two thousand years. The successive forces introduced by Roman occupation, Saxon and Danish colonisation, and Norman conquest, have only produced their results as an acorn is developed into a tree under the influence of the seasons. Time is a necessary element in all great changes, whether on the earth's surface or in society. The occurrence, at remote periods, of eras such as geologists call catastrophic, is the sudden result of causes which have long been in operation, but the force of which has been resisted. Thus, if the Alps were suddenly uplifted, that catastrophe is attributed to the cooling of the central

fluid mass, and the contraction of the earth's crust, which had become thick enough to resist, until the force of compression within accumulated so as to break the crust. So, in the history of nations, a revolution like the French of 1792, is proved, by inquirers like De Tocqueville, to have had its causes laid deeply in the condition of the people, which had become too miserable to be long consistent with social order, while all change was resisted, not merely by the moral licentiousness and political apathy of the ruling orders, but by a system of administration so centralized as to place the nation prostrate under the oppression of a corrupt court. The crust of the ruling classes was rudely torn to pieces by the frenzy of a suffering people, taught to rebel by the Utopian philosophy of Rousseau and the encyclopædists, and left without faith or reverence by the teaching of the school of Voltaire.

How necessary an element time is in all permanent changes becomes evident also, if we reflect that revolutions seldom accomplish the objects which are embodied in their principles, except after the lapse of a long period from that of the destructive outbreak. For example, the French revolution was in the first instance most powerful to destroy all privilege, to confiscate and disperse the estates of the *noblesse*, and on this basis to create, not simply equality of civil rights before the law, but, as far as the law could accomplish it, to provide an equality of civil conditions by the compulsory subdivision of property under the law of bequest. But the idea of personal and civil liberty has been of slow growth, and that of self-government has not had power to develope itself, under the centralised bureaucracy of France and the military organisation which have subordinated personal and civil liberty to that of the external influence of France in Europe. France has become an armed democracy, with a chief wielding the military and civil power, but holding his authority as the expression for the time being of the strongest force in the revolution, viz., that love of equality which tends ultimately to the domination of numbers, and which, having failed repeatedly to establish a republic in France, exalts a chief on the condition that he make himself its instrument. The French are therefore far from liberty, and they have attained equality only by the creation of a despotism supported by the peasantry, the artisans, and the army. The fruits of the French revolution cannot be said to be reaped until among this subtle and enlightened people there is perfect freedom in the expression of political opinions, nor until the faculty and institutions of self-government are developed. The revolution of 1792 was therefore powerful to destroy privilege and to

establish equality, but probably another century must elapse before the French people attain the powers of self-government and all the privileges of personal freedom.

Time is therefore required for great changes, and all changes are the results of the continuous operation of natural forces, which evolve phenomena in a regular succession. Nothing endures which is not in harmony with this law. The improvement in the condition of any class, the growth of any institution—such, for example, as a representative governing body—the relative powers and privileges of different orders of society, all result from a resolution of the great forces which create and sustain society. It is impossible to overleap intervals of time, so that conditions of society, which a philosophic observer may foresee to be possible, and to be ultimately beneficial, shall exist otherwise than as the result of that irresistible development to oppose which is to enter into a war with nature.

Thus, in our own history, no change has been permanent which has not been a logical consequence of other antecedent conditions, all proceeding from the same social forces, and which has not also been in harmony with surrounding conditions. All attempts, in such countries as Spain and its colonies, to found representative institutions have had the most limited success, for these two reasons; first, that they are not the natural offspring of precedent conditions, nor in harmony either with the genius or institutions of the people. The Spanish are not prepared for self-government by the exercise of a limited and regulated freedom, nor by education in the habits of a temperate liberty. On the other hand, the germs of personal liberty and of self-government which existed in our Saxon institutions, slowly—in centuries—emancipated the serf and the villein, subordinated the feudal to the national law; first established the authority of the king and his judges, and then limited the authority of the Crown; created municipal government, and, by the memorable struggle with the monarchy, set aside the principle of divine right in kings, and created the limited representative constitution by which England has been governed nearly two hundred years. The only violent break in this succession was the Commonwealth, in which the Puritan democracy overthrew the monarchy to establish a dictator. But Cromwell respected the distribution of property, and had found the traditions of the country as strong as the democratic spirit. A republic could not have been established without a war of classes, ending in the confiscation and banishment of the cavaliers and their adherents. After Cromwell's death, therefore, the nation

entered upon that path of wise compromise which, though resisted by the Stuarts, led to the settlement of 1688. The Commonwealth was not the natural permanent result of the preceding struggles—it was not in harmony with the then existing conditions, which the limited monarchy and representative government of 1688 proved to be.

The progress of civilisation, therefore, is continuous, and for the most part not interrupted by catastrophes, but when such revolutions occur they result from the accumulated force of social causes, the natural effects of which have been resisted, and which at length break the orderly succession of events. Revolutions, however powerful to remove obstacles, contain in a less degree the constructive principle. They destroy the obstacle, and the formative forces then proceed with the new creation, but this may require centuries for its development. But if a revolution establish some institution or form of government which is not the effect of the formative force, or in harmony with surrounding conditions, the new creation will soon perish. All sanguine expectations of the rapid evolution of new forms of government, in nations ill prepared by their antecedent conditions, are not warranted by the experience of history; and generally all sudden transitions in national polity, as, for example, from the government of one class to that of another, unless brought about by the irresistible force of the growth of intelligence and virtue, partake of the character of revolutions, and of their weakness in the presence of surrounding conditions not in harmony with them. One of two things would therefore be consequent on such rapid transitions —the new condition must subordinate all surrounding forces to itself, or it must perish.

In the history of physical development, progressive forms of animal and vegetable life appear only when the external conditions of the material world have advanced, so as to prepare a habitation for them in harmony with their organisation. In the first stratified rocks which contain any traces of animal life, fishes were the most advanced forms of structure; and among vegetables, cryptogams. Reptiles floundered about the swamps and fern and moss forests of the middle period. It was only in later periods of the distribution of land and sea, and their relations to the mean temperature and constitution of the air, that quadrupeds appeared with a dicotyledonous vegetation. Throughout the whole development of animal life, the germs of the most elaborate structure are found in the earlier types, and the evidence of a pervading archetypal design can be traced from the first Acalephian Hydroids; the radiate class of the Echinoderms; the Molluscs, the

Articulates, and among vertebrate animals, the Ganoid, and shark and skate fishes.

"Those early types," say Agassiz, "seem to sketch in broad general characters the creative purpose, and to include in the first average expression of the plan all its structural possibilities. The crinoid forms include the thought of the modern starfishes and sea-urchins; the simple chambered shells of the silurian anticipate the more complicated structure of the later ones; the trilobites give the most comprehensive expression of the articulate type; while the early fishes not only prophecy the reptiles that are to come, but also hint at birds, and even at mammalia, by their embryonic development and their mode of reproduction."

This is not the place in which to enter into any details, either as to the gradual building up of the most elaborate structure, from the earliest traces of its organisation, through every new combination, step by step, in growing beauty, to its most perfect form. Suffice it to say, that all naturalists are agreed on the necessity of a harmony between such forms of life and the external conditions by which they are surrounded, and that the progressive development of the organisation is itself a sign of the advance of the material world, rendering it at each step a habitation fitted for animal life in higher combinations of physical structure, and forms only more perfect because they are adapted to a more advanced condition of all that sustains the vital forces, and prepares the world for the advent of man.

The evidence which thus transpires of archetypal design governing the earliest manifestations of life, and its development in harmony with the successive states of land and sea, and atmospheric constitution and temperature, are not wanting in their analogy to facts which gradually transpire concerning the history of the human race, and they are obviously in harmony with the laws which govern the development of human institutions. With respect to some of the progressive conditions of mankind, we witness the persistence to this day of races of men in the earliest and in other progressive stages of civilisation, such as other facts indicate to have existed in a primeval time. Thus the races which use stone implements appear to have had representatives, who inhabited England and other regions at the same time as some of the great tropical mammalia, such as species of the hippopotamus, the rhinoceros, the elephant, and the cave bear. Since that contemporaneous life existed, it is probable that the floor of the present Channel, and part of the Mediterranean, have sunk so as to make deep sea where once was dry land. There is evidence that the forest vegetation of Denmark altered from the Scotch fir to the

oak, before the races inhabiting it changed their stone implements for bronze, and the forest which had been oak became beech, before those bronze implements were superseded by iron. Probably, therefore, in these intervals great though gradual changes had occurred in climate, and there had been a vast lapse of time.

I do not enter into the question of the origin of races of the stone implement time, nor do I introduce any of the topics of controversy which arise as to the descent of the races of mankind from one parent stock, and the causes of the condition of any savage race. In the bare facts which I have related, I simply trace the evidence of an advance of civilisation, after the lapse of indefinite, but certainly long, periods of time, in which men, inhabiting one region, successively discovered three of the metals, acquired the art of smelting and working them, and applied them as weapons in hunting and war, and for domestic uses. Whether this development was promoted by any migration and admixture of races we do not know, nor in what degree the growth of intelligence by experience was promoted by the improvement of the external physical conditions of mankind. But we may presume from the facts themselves, and from the tendencies which analogous facts prove to be the invariable accompaniments of such a capacity of development, that there had been a growth of moral attributes as compared with the animal, and of the intellectual faculties, giving the race an ascendency, not merely over the brute creation, but also over what was brutish in itself, and a consequent capacity for further development in its internal and external relations, in short, to the growth of a social and tribal polity. These general principles may deserve a brief illustration.

The advance was great from the use of a chipped flint as a knife, arrow-head, or axe, to the construction of those more elaborate implements of iron, and was doubtless accompanied by corresponding changes in the habitations, clothing, food, domestic economy, and familiar and social relations of men. The power of these races over nature was thus largely extended. With iron implements they could cut down and fashion the forest trees for dwellings, canoes, and utensils. They could extend their mastery over the fiercer and stronger beasts of prey. They could fish at sea. They could place their dwellings in positions of safety in lakes. They could thus provide for the comparatively stationary life, and exchange the condition of the hunter, or the nomad, for that in which agriculture would begin. To subdue the outer world of wild beasts and rude nature; to domesticate the dog, the sheep, and the bovine race; to catch and tame the horse; to gather and

store the wild fruits; to learn how to cultivate and improve them; to make wines from the wild grape, cyder from the wild apple, mead from honey; to learn how to provide stores during winter for man and beast, were among the earliest steps of that civilisation which cannot be developed without a corresponding growth of the intelligence and moral faculties of man. The power to contrive, and the courage to dare, enabled him to subdue or destroy the strongest and fiercest animals, and, step by step, his mind discovered the natural forces and converted them into submissive servants. Thus the wind filled his sail; fire melted the ore; at a much later time the stream turned his mill and ground his grain; the fibrous plant made his net. In temperate climates he was first clad in skins, and then, much later, in rudely-fashioned cloth.

The domestication of animals and the culture of trees and crops have been developed in long periods of the slow growth of experience founded on observation and thought. All these conquests of mind presuppose many virtues—courage, endurance, perseverance, patient observation, thoughtful reflection—and these are among the natural forces by which barbarism is transformed into growing civilisation. But at the side of them, and as indispensable conditions of their development, the first human institutions appear. These germs of the future are contained in marriage, in the degree of the simplicity and purity of domestic life in the family as a separate group, in the relation of the family to the tribe, in the conditions of domestic servitude, in the power of the head of the family and the tribe, and the relations of one tribe to another or to any larger organisation. These elementary conditions have been multiform in different races and in successive stages of society, and as there is a singular persistence of types in the physical world, so, in the social, probably all the forms of these conditions survive to the present day, in cases in which the brutish propensities have predominated, or in which the external conditions have been so unfavourable as to prevent the growth of the moral and intellectual tendencies. Without entering into details, we may say that those races have relatively made the most rapid and permanently great advances, in which, as proofs of the highest intellectual and moral capacity, the idea of personal liberty and of the dignity of virtue in the individual man, together with the sacredness of the marriage tie, was recognised, polygamy was soonest discarded, the authority of the father was acknowledged, and the government of the tribe was patriarchal, being modelled on that of the family and limited by some kind of common descent.

These are the primary forms of civilisation in the races in

which the moral and intellectual capacity was the highest. They are also the strongest germs of other institutions, because most consistent, in an elementary condition of society, with the growth of intelligence and virtue, and most capable of development during the hunting and nomadic states. The accumulation of property, even in flocks and herds, rendered the association of families for mutual protection necessary. The nomadic patriarch become the chief of a clan, having associated chieftains who aided him to repel the incursions of such wild tribes as lived by plunder. In this way arose the customs of tribal intercourse, and of united action in peace as well as war. The inhabitants of an extensive river valley or of a fertile plain gradually coalesced for mutual protection and beneficial intercourse, and became the nucleus of a nation. The tribal constitution often survived when the national union was created. This form of development characterised some of the most developed of the Semitic races, and may be regarded as that in which the highest domestic and religious virtues have attained their earliest growth and most lasting forms.

The time which I have at my command would not suffice to trace the operation of social laws in the history of this development in particular races. As respects the Anglo-Saxon, I attempted at Bradford to define the nature of the forces and of the surrounding conditions which had governed the history of our English polity, and especially had promoted and regulated the improvement of the condition of our manual labour class during the 2,000 years which have elapsed since the Roman invasion. And in a more recent address at Bacup, I analysed the causes which, in the last thirty years, had contributed to the more rapid development of the physical aud political condition of the working classes, especially in the cotton manufacturing districts. My object in both these cases was to give illustrations of the operation of social laws, proving a train of causation tending, by continuous action amidst whatever surrounding disturbances, to the promotion of harmonious and beneficial results. To define what such forces are, and to discover what circumstances modify or resist their action, is to lay the basis of the social science. When the more complex forms of society are under our observation, the forces by which they are affected are so numerous, and the combinations of these forces so various, that each form of society requires a separate study. Even to analyse any one of these within the limits of this address, it is necessary to select some particular sphere of observation. It is impossible, in the present state of our knowledge, to foresee with certainty and

exactitude what will be the operation of any acknowledged forces in a complicated state of society, but we may greatly improve our power of such prevision, by carefully observing all antecedent facts, calculating the power of the several social forces thus revealed, and having due regard to sources of disturbance to their operation.

I propose, therefore, to pursue the train of investigation adopted in my address of 1859, when I gave an outline of the history of English polity, a rough sketch of the development of the manual labour class, and of the causes which, in the last century, and especially in the last thirty years, so powerfully promoted its improvement. And as even this inquiry involves a wide field of observation, I propose to-day mainly to examine the operation of this chain of causation in enlarging the political capacities of that class. I trust that I may do this without any regard to the prepossessions of party, and, if so, I shall not have departed from my duty.

Our previous review showed us that the manual labour class continued in a condition of serfdom during the whole period of the Saxon and Danish colonisation, and after the Norman conquest during the feudal organisation of England, and a large part of it during the reigns of the Tudor kings, so that its emancipation was not complete when Henry the Seventh ascended the throne. As a serf, the state regarded the labourer as the chattel of his owner, who was responsible only to God, but not to the law, for his treatment of him. The man who had no means and could find no one to take charge of him was an outlaw and had no civil rights of any kind. The genial character of the Saxon thane probably rendered the condition of the servile population not necessarily one of hardship. The serf probably endured not much more toil than the agricultural workman recently in the most pauperised counties, and if, when old and worn out, the lord wished to rid himself of a useless burthen, he could, by an act of emancipation, hand over his broken-down labourers to the care of a Church which, with all its faults, never totally lost sight of the divine precepts of charity. The villeins were cultivators attached to the soil, having a right to their land so long as they acquitted the service, dues, and obligations by which it was held; but they could not remove from it, and they were conveyed with the estate as part of the inheritance—sold "*mid mete*" and "*mid mannum.*" With the aid of the best authorities, I strove to define the condition of the serf and the villein in the successive periods of English history up to the reign of Henry VII.—the mode in which Christianity mitigated the rigour of their lot, and promoted, by its influence on

custom and law, their ultimate emancipation. The causes which fostered the growth of the principle of personal independence and Christian charity, notwithstanding the rigour of the feudal institutions, the selfish luxury of the barons, and the wild licence of their retainers, who mercilessly plundered the people and devastated the country; as well as the not infrequent disorder from the contentions of nobles issuing with armed retainers from their castles, all of which tended to give great insecurity to freedom, and to harass the growing middle class by vagabondage and bands of marauders. I gave a rapid sketch of the consolidation of the regal power as the centre of the common and statute law; the limitation of the king's authority within the bounds of the great charter of civil rights; the gradual growth of domestic manufactures, and with that of the demand for labour; the increase of towns and of the municipal spirit; the frequent efforts of the serfs to escape from bondage to the towns and secure their emancipation by service for a year and a day; the repeated insurrections of the villeins; the vain attempts of laws to restrain the tendencies to freedom; the way in which the Christian law of equality, the Saxon spirit of personal dignity and self-government by representative institutions, the inventive faculty applied to manufactures and enterprise in the home trade and foreign commerce, reared men grouped in towns, who, without the fierce struggles which occurred between the burghers and the lords or prelates of foreign cities, curbed the power of the aristocracy, and, step by step, prepared the nation for the enjoyment of greater freedom.

Then I described the influence on the partially emancipated classes of maritime discovery and enterprise—of the invention of the art of printing, and gunpowder, &c., of the preliminary movement in the mind of the nation which prepared for those great changes in religion which finally defined the course of the national polity and legislation, and its development in commerce and the arts.

of self-government which they bequeathed to us—and especially under the guidance of that Christian faith which makes all men equally responsible to God, and extends a divine charity from the State as an aggregation of Christian men to the wretched and forlorn.

The history, both of the nation and of the manual labour class, from the beginning of the sixteenth century, records more signal triumphs, both of mind and of the higher moral faculties, than that of any preceding period. There was a dawn of scientific discovery—the growth of a literature of genius, reaching at length to its highest manifestations—the change in our ecclesiastical and national polity wrought by the Reformation; a great spread of education by the foundation and other schools of Edward VI. and Elizabeth; and a ferment of the patriotic sentiments through the mass of the people, which, guided by religious convictions and deep-seated national instincts, led them through the Puritan revolution to the constitutional settlement of 1688. To these succeeded a rapid movement in maritime enterprise and colonisation; a growth of manufactures and commerce, and with them of the arts and luxuries of life. These were preliminaries which ushered in the marvellous period of scientific discovery and invention which has made the last hundred years the most remarkable era of the conquests of the mind and will of man over the forces of nature ever recorded in history.

The triumphs of intelligence over matter have been accompanied by manifestations of a higher moral sensibility as to the condition of the masses of our fellow countrymen, which has tended to inspire a religious ardour for their elevation. This has been manifest in numerous efforts of civilisation. For example—a mitigation of the severity of the penal code, founded on a recognition of the truth that, however terror may act as a deterrent, it has little or no reformatory power. In the improvement of prison discipline and reformatory training for the young. In the amendment of the laws for the relief of indigence, whereby the traces of serfdom will ere long be removed from the most pauperised portions of the indigent classes. The regenerative power of education has been applied to the children of paupers, and we are, I trust, on the eve of providing for impotency, sickness, and age, with Christian solicitude. In the first steps towards an obligatory system of national education, in which we have only very partially recognised what is needed for the preparation of an intelligent freeman for the discharge of his duties as a citizen. In the emancipation of labour from all restraints on its association, and in the freedom of all trade and industry. In the

extension of the municipal suffrage, thus creating in the borough a school for the training of the people in the discharge of political duties. In the cheapening of justice in all the smaller disputes which affect the condition of the labourer, small householder, and humble tradesman. In the spread of political education by means of freedom of meeting for public discussion; and by a cheap press, which has, by its general enlightenment and high morality, become the most truly conservative of all our institutions. In the universal publicity of all political discussion, whether in or out of Parliament, making the press like the market-place in which Socrates disputed, or the forum in which Cato, Cicero, or Cæsar pleaded.

The advance of our national polity has overflowed even upon the wild uncultivated regions of the world. The migratory instinct of the race, and the awakened activity of the middle and labouring classes, combined with the extension of commerce and maritime discovery, and the restless energy which strives to overleap, when it cannot break, any social restraint to the advancement of the emancipated classes, have poured forth on the virgin soils of the New World and of Australia, of the islands of the Pacific, and even on the oases of the sandy plains of Africa, a race of indomitable but uncultivated energy—strong to subdue nature, to tame or extirpate wild beasts, drain the morass, cut down the forests, root out the jungle, but not so trained by a Christian education as to be equal to the task of mingling in fraternity with the wild red and dusky races, and of winning them by patiently teaching them the arts of settled life, and especially by a pure example, to that Christian life of which every man who leaves the shores of England ought to be an image. By the colonisation of the western nations the Red Indian, the Hottentot, the Caffre, the Australian, the Maori disappear, either in deadly struggles against the encroachment of the white race; or under the death-spreading poison of the fire-water, or of foul disease; or under the influence of famine from diminished hunting-grounds. The blast of the pestilence is not so sure as the desolation and death of which the white man is the harbinger. The red, yellow, and dark races disappear as the white advance. This should not be so. Christendom, if it had been more careful that the transforming influence of its faith should penetrate its humblest and last emancipated classes, would, instead of disease, demoralisation, and death, have borne to the savage the precious gift of its transforming faith, accompanied by all the arts and comforts of civilised life.

That which underlies every other consideration in interpreting the circumstances which have affected the advance

of our national polity, is the degree in which education has been extended, at any period, so as to prepare each class either to enjoy the benefits of freedom, or, which is much more difficult, to promote, by active exertion, the growth of free institutions. The mass of the working population in any craft, and the herdsmen and tillers of the soil, both in the Saxon era, and even, in a gradually modified sense, during long succeeding periods of our history, cannot be said to have had any political or social rights. They could be bought and sold. They "*adscripti glebæ*" and conveyed with it under the comprehensive phrase, "*mid mete* and *mid mannum.*" They received, like beasts of burden, food and lodging for their toil, but they were absolutely in the "*mund,*" that is, under the protection and power of their master, who might kill them at his pleasure. I described, in a former address, and I have briefly traced in this, the slow and painful steps of their emancipation from this thraldom, which was not complete even when Henry VII. ascended the throne. The vagabondage, turbulence, crime, and outlawry then existing, were disorders which, in the succeeding history of the class, were sought to be trampled out by the rigour of law and of a harsh administration, until the provision for the relief of indigence, in the reign of Elizabeth, became the dawn of a system more in harmony with our faith and with the demands of advancing civilisation.

But the idea of transforming this uncivilised class by a Christian education, does not appear to have entered, even at the Reformation, into the civil polity of the nation. The schools established by Cranmer, by Elizabeth, and by Edward VI. and his successors, were founded more with the intention of extending the reformed doctrine among the middle than among the humblest classes. There remained the polity of the Church which, in order to rear a lettered priesthood, had encouraged learning in its cathedral schools and monasteries, and had made the priesthood and religious orders an instiution in which the humblest might aspire to the highest honours and power. The Reformation transmitted this tradition in the rule which opened the door of the school, and provided scholarships, both in the schools and in the universities, for the promotion of merit in a republic of letters. This ancient privilege had, however, little effect on the mass. In England no institution was formed like that most fruitful offspring of the reformation in Scotland—the parochial school. With all their manifest limitations and imperfections, the Scotch parochial and burgh schools, acting in harmony with their universities, have given the most remarkable impulse to that nation. For

a long time they supplied many of the universities throughout Europe with professors. Among our most skilled and educated workmen, such as gardeners, mechanics, and agriculturists, the Scotch have taken the first rank. They have long been advanced to offices of trust requiring well-trained intelligence, high probity, and considerable cultivation. They have been among our most successful colonists. They may be said for a century to have been the chief civil administrators of India, in whose history they have left a golden book of illustrious names, emblazoned with feats of enterprise, valour, endurance, high intelligence, comprehensive statesmanship, and heroic self-devotion. These are among the fruits of Scottish education.

For our own manual labour class, barely emancipated from the semi-barbarism of preceding ages, the Reformation did little by means of schools, yet this was the only means by which the original Saxon idea of personal dignity and civil freedom could be attained by the poor. The Reformation did not extend this form of freedom to them. It is not improbable that the "iron-sides" who fought with Cromwell had received some training in the grammar schools. They had at least been trained by the congregation in the dialectics of the Calvinistic doctrine, and through it in a stern sense of duty and personal rights. But the common people, with this exception, continued to be immersed in the consequences of serfdom. The serf had been the chattel of his lord. His descendants had nothing to do during the feudal period, with the local government of the tything, or parish, or hundred. Probably the villeins did not rise to any participation in such government until a very late period of the Tudor reigns. Those who had constituted the folkmót, or who were sent to the Wittenagemót, were freemen. The burgesses of towns and the electors of the shires, were certainly neither serfs nor villeins. The Saxon idea of liberty was therefore consistent with the slavery of the serf. Institutions, whose roots were in our ancient Saxon polity, had a representative constitution in which the serf played no part, and in which the villein only gradually rose to participate, and that just in proportion as he was admitted to the possession of personal property independently of the lord of the soil. The gradual transition from the occupation of land by villeinage to the cultivation of the "*lean*" or loan land, and the freedom of the tenant to migrate, to carry with him his acquisitions, and to acquire land as a personal possession, are the chief steps of advance of the villeins to the class of small tenant-farmers such as now exist, and to the establishment of the independent class of yeomen and statesmen who cultivated their own land.

We thus recognise some of the sources of the present condition of half pauperised agricultural labourers, and unlettered small tenant farmers, and the causes of their unfitness, by the want of intelligence and independence, to discharge, beneficially to the commonwealth, the political duties of freemen. They are still, politically speaking, the thralls of the possessors of the soil. In proportion as they are admitted to the possession of the franchise, the landlord augments his personal power, but no privilege is, for the time being, extended to the people. The result of the extension of the franchise to any class thus enfeebled by traditional dependence, by ignorance, and habits either sensual or servile, results in its political subserviency.

It would be difficult to assign the limits of the political elevation which this country might have attained, if parochial and borough education had been provided for all the recently emancipated classes at the reformation. Nor can we now measure the benefits which would have overflowed on the savage tribes which have disappeared before the advance of English colonisation. If the progress of our social polity has been deformed by errors and excesses in any class, we may attribute these misfortunes to this neglect and want of foresight in the leaders of the Reformation. Every class has been unfitted to receive the teaching of those pioneers of national thought who have successfully laboured to reduce the complex phenomena of society to their simplest elements, and to build thereon the idea of a science of social polity.

Yet in some departments of social economy, considerable progress had been made in the observation of facts, and the induction of principles, so as to reduce them to a technical form, long before either statesmen or people recognised in them their true guides in legislation. The laws of political economy and trade had been thus analysed, and their operations explained, by Adam Smith. Yet, the principles thus shown to govern taxation and the accumulation and distribution of wealth, have only very recently modified domestic legislation and international treaties, though they will now continue to exert a great influence on the polity of nations, on their relations to their dependencies and neighbours, and on the intercourse and harmony of mankind. All that department of jurisprudence affecting international copyright, the extradition of criminals, the protection of neutrals in time of war, had received an earlier cultivation than almost any other department of sociology. But it is only now that we begin to hope that it will receive that interpretation which is most consistent with national intercourse, on the basis of the utmost liberty and the protection of individual rights. The neglect of these departments of

social science, and of constitutional history, in the education of the ruling classes, has corresponded until recently with a complete ignorance of them in the subject classes. To this continued neglect and ignorance may we ascribe some of the most grievous and persistent errors in our national policy; and tendencies, in the exercise of our power and wealth, obstructing the highest material and moral development of the nation, and especially inconsistent with the faith and practice of a Christian people. It becomes material for the object we have in view, to inquire what part the manual labour class have taken, amidst all their manifest disadvantages, in that wonderful development of material wealth and power, of which the last hundred years have been the era.

The subordinate qualities which they have displayed, have proved them to be a race of singular hardihood, vigour, and powers of endurance. These physical qualities have been accompanied by the higher moral qualities of a capacity for obedience, fidelity, discipline, and organisation certainly never excelled. These have been the noble characteristics of an unlettered race, not long emancipated from serfdom and villeinage, and for whom no systematic education has been provided. But the capacities of this race cannot be estimated by regarding only the subordinate virtues of the unlettered mass.

The more gifted in intellectual and moral faculties have struggled hardily with their lot; many have educated themselves; some have risen to be foremen of labour, thence to be possessors of capital enough to be masters of workmen, first in limited, and then in more extensive contracts. Thus the middle class has been recruited by men risen from the ranks, despite the want of school culture, but who have, by self-education, become great manufacturers, iron-masters, ship-owners, or merchants with enterprises on every sea. From among the most gifted, too, we must reckon the rise of the men of science who have become the lights of ages. These had generally some help from an obscure grammar or other school, and some of them by these means reached the university. Among them we may name even Newton, Dalton, Davy, Whewell, and the names of living men almost equally illustrious. Many of the greatest sculptors have, in like manner, been the sons of common masons, and some of our most successful painters and singers were born in the cottage of the day labourer or factory operative. Almost all inventions in the mechanical combinations of industry may be traced to equally humble men. Thus the inventors of the cotton trade, except Kay and Cartwright, were all (Hargreaves, Crompton, Arkwright, Roberts) weavers, or mechanics, or handicraftsmen. Brindley

was [illegible]: Wedgewood was a working potter; Mercer the son of a hand-loom weaver: Watt's accidental association as an instrument maker with the university of Glasgow, barely lifted him out of this class. Our engineers, Rennie, Stephenson, and Fairbairn, worked with the hammer or the pick. In these efforts to rise above merely manual toil, the enterprise of the most vigorous and intelligent workmen has made them the colonists of the world. But perhaps the most pregnant proof of the growth in them of higher political capacities, was the remarkable spectacle exhibited by the operatives of the staple trade of this county during the cotton famine. With the aid of the teaching of the press they understood the true character of the war; spite of every tendency to sympathy with the chivalrous valour and endurance of the Southern States, they maintained their faith in the great principles of humanity, which were at issue in this momentous struggle. They supported our own government in a policy of non-intervention, at the cost of the privation to themselves of all the sources of domestic comfort, and in the face of unknown dangers and sufferings. They consented to accept for this end the bread of charity; to husband it faithfully; to conform cheerfully to an artificial social organisation of labour on public works, and attendance in day and sewing-schools. They endured all this, living for years on one-third of their ordinary income. This proven political intelligence; this patient martyr-like endurance for the sake of sacred principles, involving the interests of humanity; this faith in their ultimate triumph, have established for them an indefeasible claim to be accredited with the possession of many high qualities of freemen, indispensible to the political security, influence, and development of a civilised state.

In like manner the *élite* of the manual labour class have aided in the growth of the public polity, by their disinterested sympathy with other principles capable of a wide application. The extension of the franchise to the middle classes by the Reform Bill, the extinction of the slave trade, and the emancipation of the slaves in our colonies, received from them a wise [illegible] generous support. Though they, like other classes, are [illegible] both in times past and at present—for the most [illegible] opposition to the adoption of well-ascertained principles in [illegible] industry and trade, yet they were led by a true class interest, to ap[illegible] preciate, before the pure economists, the economic [illegible] ial value of a shortening of the hours of labour as well as the wo[illegible] ough they did not promote, they assented in the factories and t[illegible] visions for the education of their children in the Factories' Regulation Acts.

[illegible] to the compulsory pro[illegible] ren, which were inserted

In all these measures, and in many others, they have co-operated with a portion of the middle classes, led by men capable of a philosophic or philanthropic view of all the interests concerned. But the independent and spontaneous action of the working classes, though in many of its earliest and some of its recent manifestations it has been deformed by the errors inseparable from such efforts in an unlettered class, has given proof of a power of organisation and associated action, which, whether for good or ill, cannot but be regarded as important elements in the social organisation of any nation, and especially of one in which industry, commerce, and agriculture are among the main sources of national prosperity and power.

The majority of the workmen in all trades and handicrafts are associated in unions for mutual benefit, and especially for the protection of the wages of labour from any form of injustice. Besides these legitimate objects, such associations have endeavoured to regulate industry, by prescribing rules as to the hours and the mode of executing work; promotion to the office of foreman; the comparative earnings of skilled and unskilled workmen; the prohibition of piece-work; the internal management of manufactories, &c. &c., tending, if successful, to subordinate the control of capital to the authority of a *Directory of Labour*. These unions exert a domination over their members like that of an army, and are capable of sustained action, at the expense of accumulated resources and prolonged privations, greater than any other known voluntary associations. Regarded as political and social phenomena, such results are of the most signal importance. This organisation may be a most potent means of attaining any object which the manual labour class may have a strong conviction would be for their common interest. Any statesman who fails to recognise the existence of the formidable tendencies of such a power, and to provide for its right direction by a universal and obligatory provision for public education, by the most free dissemination of political and economic information, and by the steady extension of political franchises, cannot long govern this country.

We may take a slight review of the way in which we have escaped some of the greatest of the dangers attendant on this power of association. Ireland has not been so fortunate as England and Scotland, for the trades' unions have driven capital from manufactures everywhere in the sister kingdom, except in the north. But, in England, the socialistic theories which, in consequence of the want of economic instruction, have, from the earliest growth of these associations, hitherto been the basis of their organisation, have not succeeded, because of the rapid migration of labour within our own bounds enabling the agri-

cultural labourer and shepherd to better their condition in the manufacturing districts. Then, because the restless and discontented among our own operatives have emigrated, the more moral and intelligent have rapidly risen in the ranks, and become at length master manufacturers. In America, the continual migration to the west has, in like manner, kept in check these socialistic tendencies. A similar revolutionary theory and passion have for a time been controlled in France by the sagacious policy of Napoleon III.; and, in Germany, have led to a vast emigration from that country to America, which has been the outlet for the misery and discontent and socialistic error of the Old World.

The experiment of relying solely on material development for the stability of our institutions and property, has been carried to the last extent of rashness; and, if we would avoid a crisis, in which the organisation of an unlettered class would play the chief part, we must take systematic measures to instruct the people from their youth upwards in economic laws, and in the history of our liberty, and to instil into them a reverence, founded upon sound principles, for institutions which are the growth of the traditions, habits, and associations of all classes, which derive their life and strength from an intelligent freedom, but would perish under ignorant and presumptuous innovation. If we neglect this education long, we simply prepare, either in Parliament or in the country, a reign of demagogues, under whose rule a destructive democratic revolution may disturb, if not destroy, all the securities of property, and the sources of national prosperity.

This spectacle of the power developed by these unexampled capacities for associated action among our working classes, leads many thoughtful men, lifted above the contentions of local interests, to rejoice in the astonishing results which have very recently been attained by the purely industrial organisation of workmen. The co-operative stores of England and Wales are supported by about 150,000 members—of whom 106,241 belong to Lancashire and Yorkshire—and possess a share capital of £761,313, of which £667,798 was subscribed in the same two counties. The loan capital of these societies was, at the end of 1865, £112,733, of which £80,806 was subscribed in Lancashire and Yorkshire. The movement of capital in 1865, by sales, was £3,373,837, or nearly three millions and a half, of which about two millions and a half occurred in Lancashire and Yorkshire. The profit of 1865 amounted to £279,226, of which £207,197 was paid in Lancashire and Yorkshire. The whole assets and property of these societies were valued in 1865 at £1,105,685, of which

£887,005 were possessed by societies in Lancashire and Yorkshire.

The joint-stock manufacturing enterprises, supported almost exclusively by the capital of workmen, have within these few years invested above a million of money in buildings and machinery in this county alone. Nearly all these establishments survived the cotton famine, and have struggled successfully with the embarrassments which have attended the subsequent fluctuations in the price of cotton. Great manufacturers have appreciated the capacity of which these beneficial combinations are the sign. They have capitalised their stock in trade; divided it into shares; and made a portion of these shares accessible to their workmen, whom they have thus admitted to a participation of profits. The law now wisely facilitates such combinations, and they afford a new method for the solution of some of the most intricate and threatening questions as to the relations of capital and labour.

Many obvious difficulties and dangers attend the early steps of associations which have little experience to guide them, though conducted by the most able and prudent of an unlettered class. But the effort, though arduous, is in the right direction—it is consistent with the soundest economic principles, and ought to be attended by the earnest wishes of every enlightened man.

Friendly societies or benefit clubs, which have had a spontaneous origin among the manual labour class, are often founded on calculations and conducted by rules inconsistent with the principles of insurance and vital statistics. These again are the errors of ignorance, but the power of independent organisation which they exhibit, and the salutary objects which they seek to attain must be reckoned among the proofs of the growing political capacity of workmen. The circular sent out by Mr. Tidd Pratt, the Registrar of Friendly Societies in England, to ascertain the number of the members and the amount of the funds possessed by these societies were to a great extent left unanswered. Out of 22,834 schedules sent out, only 9,997 were filled up. These accounted for 1,434,676 members and £5,562,988 in funds, or an average of 143 members and £556 funds for each society. If we were to suppose that, on the average, the societies who made no returns possessed one-third of this average, then the aggregate number of members of friendly societies in England and Wales is 2,038,014, and the funds possessed by them amounts to £6,937,833. From the return of 856 loan societies to the Registrar, under 3 & 4 Vic. c. 100, for the year ending the 31st December, 1865, the deposits made by shareholders

amounted to £253,523; the amount circulated during the year was £857,884, and the sum in borrowers' hands on the 31st December, 1865, was £518,866. The gross profits of the year amounted to £58,509, and £32,859 had been in the same period paid to depositors or shareholders. Similar evidence flows from the history of the accumulation of capital in building clubs. The habits of business shown in their successful management, and the beneficial influence which they exert on the domestic comfort of the working classes are all signs of growing social capacities.

Perhaps no regenerative effort is more important or has to grapple with so formidable an evil as the Temperance Alliance. Between sixty and seventy millions of money are every year spent in beer, spirits, tobacco. Every intelligent inquirer is conscious that the eighteen millions of money which we annually apply to the support of indigence and the repression of crime are to a great extent absorbed by the consequences of the demoralisation, misery, and want caused by intemperance. Our commercial prosperity will feed this frightful source of degradation, so long as the evil is not combatted by a system of obligatory national education, elevating the intelligence and the moral and religious principles of those classes who are now the victims of intemperance. Meanwhile 70,000 of the manual labour classes have enrolled themselves members of the United Temperance Alliance. They have created an active propagandism—assembling meetings, characterised by the most enthusiastic outbursts of feeling. They establish local societies in almost every town or large village, circulate periodicals, and enrol members; they found benefit societies, bands of hope for children, employ missionaries and teachers, and have established about twenty county unions. There are several associations aspiring to national influence whose aggregate annual income is about £15,000. There are four widely-diffused temperance newspapers and about twenty monthly publications, two of which have an aggregate circulation of about half a million. By the influences of these agencies, their members assert that the pledged or practical abstainers from the use of intoxicating liquors now number some millions, among whom are 2,500 ministers of religion in England alone; and they trace the efforts of the association in the greater moderation in the use of intoxicating drinks, which is becoming a sign of good breeding and reputable life, and is rapidly spreading in all ranks except the lowest. Too impatient, however, to wait for the slow influence of education, and the gradual infiltration of better habits from the more intelligent classes to the

more sensual, the United Kingdom Alliance despair as to the power of purely moral restraint to resist the attractions with which the trade in drink combats, by an enormous outlay of capital, the influence of the school, the congregation, and the church, and makes the beerhouse, the gin-palace, and the tavern, English institutions for the demoralisation of the people, the spread of disease, the increase of mortality, and the promotion of pauperism and crime. They therefore in this despair appeal to the legislature to transfer the power of granting licenses for the sale of intoxicating liquors from the magistracy and the Inland Revenue Department, to two-thirds of the inhabitants of any parish or township. Whatever opinion we may entertain of the justice, expediency, or sufficiency of this form of interference, we must acknowledge that we owe to the upper portion of the manual labour class, apart from all religious or political feeling, the vigorous and persistent protest which, in spite of all failure in and out of Parliament, they have continued to make against the facilities afforded by the law to the unregulated sale of intoxicating drinks. It will be an auspicious day in the history of the United Kingdom, when the organisation and enthusiasm of the Alliance are diverted from their hitherto fruitless effort to restrict or prohibit this trade in drink, and are applied with equal force and perseverance to demand from Parliament a national system of obligatory education, in order to create a power of moral restraint capable of resisting the temptations of a trade, which flourishes by the demoralisation and mortality of the people.

Meanwhile these spontaneous efforts of the upper section of the manual labour class to emancipate their brethren from the frightful slavery to sensuality, establish for them a claim to political confidence which a wise legislature will acknowledge.

To the purely spontaneous efforts of the manual labour class may be added those in which their own frugality and forethought have been encouraged by the facilities afforded by the Government to place their savings in safe keeping. In 1865 there were nearly a million and a half of individual depositors in the old savings' banks, of an average sum of about £25, and an aggregate of nearly 36 millions in money. Besides which, penny banks, charitable institutions, and friendly societies had deposited £2,632,164, or altogether £38,444,007. Further, the total number of depositors in Post Office Savings' Banks and old Savings' Banks combined, and throughout the kingdom, had risen at the close of the year 1865 to 2,078,000, being an increase of 774,000 in the preceding ten years, and of 468,000 in the four years follow-

ing the establishment of the Post Office Savings' Banks, and the total amount standing to the credit of all open accounts in Post Office Savings' Banks alone was, at the close of the year 1865, £6,526,400; and the aggregate sum of deposited savings in the old banks and the Post Office Savings' Banks was, at the end of 1866, £45,070,407.

These spontaneous and independent efforts of working men, are the fruits of the growth of social and political capacity among those who may be regarded as the intelligent leaders of their class to a higher condition of civilisation. Beneath them lie the prostrate classes who still have the taint of the leprosy of centuries of serfdom, from which they have not yet been cleansed by a Christian education; the dangerous classes who prey upon property, or sell their virtue, or are ready to take advantage of any tendency to tumult; the hereditary vagrant and pauper; the ill-paid and half-pauperised agricultural labourer; the starving weaver of decaying trades, dying a slow death of famine and despair; the sensual classes, who spend their earnings in gross living or intoxication, leaving little for house-rent, household comfort, or the education of their children; the men of the rudest forms of labour, like some of the colliers, the navvies, the brickmakers, and hodmen, who are the hardy pioneers of material progress, but often gross in their habits, and generally without social or political aspirations; the classes who stagnate, like the lees of society, in the obscure and unhealthy parts of great cities; and all those who, despite sufficient or high wages, have no thrift, no forethought, but seem to perpetuate the helplessness of a servile class by the waste of the earnings of independent skilled labour:—generally, all who are the victims of our social system, which has not yet fostered the development of an intelligent Christian life, by the vivifying influence of obligatory Christian education among the masses of the people. All these and others lie below that self-educated vanguard of the manual labour class, who have explored the path, and removed the most formidable obstacles to the advance of their brethren. This higher class is destined to vindicate the truth of the theories of social progress which I have ventured to sustain. They are that irresistible force, whose claims for the possession of political rights it will be impossible to postpone. Their acquisition of them is the logical and inevitable consequence of the virtues, intelligence, and patriotism which they display. No argument can be adduced against them because of the venality of any of the prostrate or undeveloped classes. There arises only the political necessity of providing some self-acting expedient, by which they can be sifted out of the mass: or

all the incapable and unworthy can be winnowed from this true grain.

I have been concerned to perceive that some capitalists, and most prominently some of the ironmasters of Staffordshire, are so alarmed by the formidable strength of the trades' unions, as not to believe that their socialistic errors are consequences of an ignorance which instruction would remove, and are therefore jealous of that increase of the power of the manual labour class which would undoubtedly be the consequence of a well ordered system of education. They do not bear in mind how many economic and social truths have already been slowly implanted by experience among the workmen, and have become the best security for the progress of improvements in machinery, and correctives of some of the worst features of the trades' unions. They forget how much of the intelligent acquiescence of the operatives in our national policy during the late American civil war, was the direct consequence of the dissemination of political knowledge among the superior workmen. Nor are they conscious what need there is in some even of their own class for a more accurate acquaintance with economic principles, and with the historic events and national forces by which the development of our industry has been affected. The history of the manufacturing industry and commerce of this country has been one of marvellous progress. Its expansion has been so great, that such fluctuations as have been caused by wars, by measures of public policy like the Orders in Council, or by financial crises, have been forgotten or overlooked. This expansion is the consequence first of the continual extension of the application of steam power to mining, to spinning, to weaving, to locomotion, and the transport of the commodities of trade, to agriculture, as well as to the succession of inventions tending to the economy of almost all forms of labour, then to the improvements of the laws of industry, partnership, and trade; the removal of restrictions and imposts, and the rapid opening of new markets for commerce in every quarter of the world. The result has been a deep-seated conviction, that our trade has an internal vital force whose development will burst all bonds, and triumph over all obstacles.

Perhaps no more remarkable exemplification could be given of this than the continuation of a very large outlay of capital in the building of new factories during the first year and a half of the cotton famine. This conviction is like all others which are founded on the regular sequence of events. We expect, because we have always witnessed, the orderly succession of material phenomena—that the sun will rise—that the seasons will succeed each other—that the tides will

continue to ebb and flow—that the hills will remain stable from one generation to another. Yet, taking into account vast periods of time, we know that all these apparently most constant phenomena have been subject to great changes. Some such event as the cotton famine was needed to shake an unreasoning confidence in the unlimited expansion of the Lancashire staple trade. If we review the facts, we cannot fail to see how blind and rash that confidence has been. We had prohibited the slave trade—we had emancipated the slaves in our colonies—we had maintained a blockade of the African and Brazilian coasts, to intercept and, if possible, to prevent the traffic in slaves. We had, by our constant efforts to establish international treaties for the suppression of this trade, and by our press, literature, and parliament become the active propagandists of the doctrine that the slavery of responsible human beings is a crime against the rights of humanity. We were thus actively creating that force of opinion which was to explode in a revolution in America, destined to lead, through civil war, to the emancipation of the slaves of the Southern States. Yet during this time our confidence in the uninterrupted expansion of the cotton trade was in no degree impaired, though we were depending for the continuance of a rapidly increasing import of cotton, chiefly on the productive powers of those states in which it was grown exclusively by slave labour. In 1860 the consumption of cotton in the United Kingdom had arisen to 2,500,000 bales, of which 85 per cent. were imported from America, and only eight per cent. came from Egypt and Brazil, and seven per cent. from the East and West Indies. We had ourselves undermined the institution of slavery in the United States, and had, as it were, placed beneath the fabric, in which 85 per cent. of the raw material of our staple trade was produced, an explosive force; and even may be said, by our conscientious encouragement of the leaders of the abolitionist party, to have fired the train and blown into the air the cotton production of the Southern States. Yet, while all this was in progress, so insignificant were our efforts to promote the cultivation of cotton either in Egypt, Brazil, or in the East and West Indies, that they produced scarcely any appreciable result. Even when the civil war broke out and the blockade of the Southern States was declared, our confidence in the continual expansion of the trade was such, that the building of factories proceeded a year and a half, not only without check, but with unexampled rapidity.

Now we experience the effects of the civil war in the long interruption to cotton culture, in the very partial reorganisation

of the industry of the black population, and the consequently great reduction of the amount of cotton grown in the Southern States. If the machinery of the trade is to resume and maintain full activity, we shall probably have in future to procure a great increase of the supply of cotton from almost every part of the world from which we have recently imported it. The cotton manufacture would thus cease to be dependent chiefly on one source, and might escape from the risks inseparable from such dependence, but it would encounter others. The raw material must be seaborne, and it would be brought across every ocean. So scattered a supply would therefore obviously be exposed to great risks in a maritime war. We should need to provide for the exigencies of the manufacture by the increased vigilance of our navy; by a modification of international law, providing security for the property of neutrals; and by every expedient by which peaceful commerce can be protected, as well as, perhaps, by such arrangements as would grow out of the experience of great fluctuations of price.

If, from a maritime war, or any other cause, a new dearth of the cotton supply should be caused, we are now in a condition to appreciate the benefit which the trade would derive from the patience, the fortitude, and the intelligence of an operative population, which has attained in some degree to the knowledge of principles, and the comprehension of political and social duties. No fatuity could be more gross than that which would prefer, to an intelligent well-instructed people, in such a crisis, a manual labour class, inflamed with the passions and prejudices of an ignorant and suffering multitude, which could find no form of expression for its misery but violence.

But the interference of war with the supply of cotton is not the only risk to which the expansion of our trade is exposed. We were not, in the earlier period of our history, manufacturers of anything but coarse domestic cloths. We gave no evidence of inventive skill. We derived all our crape, stuff, worsted, woollen, and silk manufactures, from the immigration of foreign weavers, driven to this country chiefly by religious persecution. Our "silk throwing" machinery was copied from the Italian. We owe to France the "Jacquard" loom. We have never been able to compete with France in the production of articles of luxury; nor with Saxony in broadcloths; nor with Switzerland in figured muslins; nor with Prussia in some forms of iron and bronze manufacture; nor with Italy in all bronzes modelled on an antique form. Sweden and Prussia have excelled us in the production of the purest iron, and the most tenacious forms of steel. Of late years we have removed

all restrictions on the exportation of machinery. The continent is covered with a network of railways and electric telegraphs. Every nation has striven to rival us in the cheapness of production, which is the primary cause of the continual expansion of our trade. The elements of a formidable rivalry are in course of gradual development in Belgium and Germany. These elements comprise their coal fields; the cheapness of labour; the growth of the principles of freedom of industry and trade; their skill in the manufacture of iron; the growing facilities for locomotion, and the prospect, with an increase of the Prussian seaboard, of a great extension of their merchant shipping. We shall, perhaps, encounter still more formidable rivals among our transatlantic brethren, to whose genius in invention we already owe some of our most remarkable improvements in machinery. They have a physical energy, powers of endurance, and an enterprise in trade like our own. They have inexhaustible coal fields and mineral treasures. They have the raw material of our staple trade within their own shores, and a vast system of transport by river navigation, railways, and steam on their seaboard. If we are to maintain our position against these formidable rivals, we must also cultivate, as they do to the utmost, the intelligence of our manual labour class, making them equal to every emergency, whether political or social, and to all the wants of our trade.

There is no true economy in trade which neglects the force of a trained intelligence in developing its resources, or of a high morality in making perfect the order of its organisation and the security of property; and in preventing the waste of the precious resources of health, strength, and capacity. A policy which forgets or neglects the intellectual and moral improvement of the manual labour class, and depends only on their physical force, is at war with the best interests of humanity, and deserves the defeat which will be its unavoidable result.

The whole tenor of my argument has been to show that the growth of the intellectual and moral capacity of all classes is the primary source of strength and progress in any commonwealth. Mere physical force even fails to subdue and cultivate wild nature. The mind discovers and combines the natural forces so as to make them the servants of man. The moral faculties wean men from brutish instincts, and give them the courage, the endurance, the persevering energy which enable the intellect to become the master of the world.

The social polity is built up and sustained by the same forces. Merely physical force can neither create nor preserve the power and happiness of a commonwealth. A barbarous

despotism may exist by terror, but a large part of the subjects must be ignorant slaves, by whose oppression alone the state can live. An arbitrary power cannot long dominate over an intelligent, instructed, Christian people. Even when such a government strives to make itself the expression of the wishes of such a nation, and exercises a wise foresight as to their interests, it is subject to the casualties brought about by the inferior character and capacity of successive rulers. The genius of ruling a people wisely is not hereditary, and even if it were, a wise despotism cannot compensate for the collective moral and intellectual force of the nation long trained in the enjoyment and use of freedom.

No mere physical force, wielded with whatever skill and cunning, can successfully grapple with the power of such a people. Nor can any coarser mistake be committed, than even to hint that any occasion can arise on which such a people ought to resort to the rude expedients of physical force, to secure the development of the national policy.

If it be true that civilisation is a conquest over all that is brutish in our own nature, and the subjection of all forms of physical force to the will of man. If national polity approaches perfection, in proportion as it is expressive of the highest intelligence and the purest morality, then, to appeal to physical force is to summon barbarism to make war on civilisation. There will be passionate outbreaks of rebellion, like those of our own serfs and villeins, or like our own Puritan revolution; but I have already shown that such catastrophes have no formative power. They are the instinctive expressions of an intolerable sense of wrong. They sometimes remove obstacles to the operation of the formative forces; but they do not create. Their destructive force is often such as to sweep away the whole fabric of the national polity.

But such catastrophes are rendered less probable, in proportion as the intelligence and morality of the people are developed. Moreover, it may be confidently said, that when a nation has acquired a large measure of self-government, and when it also enjoys perfect freedom for the expression of opinion in Parliament, by public meetings, and in the press, any appeal to physical force is a proof of the absence of the true qualifications of citizenship in the class which resorts to it.

One of the highest qualities of statesmanship consists in the power to think calmly in the midst of popular excitement. This faculty resembles that of great generals, whose genius receives its highest inspiration from battle and is to be contrasted with the impulsiveness of the orator, whose imagination or passion is fired by popular excitement and

overcomes his reason. A great statesman knows how majestic and irresistible is the operation of the intelligent convictions of a cultivated nation—the seed of which convictions he may have deliberately sown. He calmly watches their development—he wisely fosters their growth—he waits, like the husbandman, for the harvest. As no impatience can hasten the gradual operation of the natural forces, so no insensate outbreak of turbulence can bring about the true development of the national policy, which is the fruit, not of physical force, but of the highest intelligence and virtue. A great statesman will therefore strive to assuage the sense of political injustice, and to prevent the destructive outbreaks of passionate misery, and will calmly lead the ablest and best among his fellow countrymen to redress all proven wrong, and peacefully to remove every obstacle to the development of all the institutions of freedom.

SELECT PAPERS,

NOTICES OF PAPERS,

ETC., ETC.

JURISPRUDENCE

AND

AMENDMENT OF THE LAW.

Report of the Standing Committee of the Department.

ACTS OF PARLIAMENT.

THE last Session of Parliament was singularly barren of useful measures of legislation. Though several Bills were introduced, which were of great interest and importance as regards the principles and administration of our law, the proper discussion of them was prevented by the party question to which everything else was postponed; and on the change of ministry, they were all, with the following exceptions, dropped:—

Act to further Amend the Procedure and Powers of the Court of Divorce and Matrimonial Clauses, 29 & 30 *Vict.*, *c.* 32.—This Act provides for the payment of weekly or monthly allowances by husband to wife on decree for dissolution of marriage, and enacts that no decree *nisi* shall be made absolute till the expiration of six calendar months.

Expenses on Charges of Felony and certain Misdemeanours, 29 & 30 *Vict.*, *c.* 52.—This Act gives Magistrates an extended power to grant certificates of expenses to witnesses, and entitles clerks to justices in Petty Sessions to fees on depositions, subject to their being allowed at Quarter Sessions.

Courts of Justice Act Amendment, 29 & 30 *Vict.*, *c.* 65.—This Act enables the Commissioners of the Treasury to purchase land adjoining the site of the New Courts, which has been found necessary for the purposes of the scheme.

The Reformatory and Industrial Schools Acts, 29 & 30 *Vic.*, *c.* 117, 18.—During the past Session, two Acts were passed to Consolidate and Amend the Law relating to Reformatory Schools and Industrial Schools. On the introduction of the Bill, the Association, in conjunction with the Reformatory and Refuge Union, convened a special meeting of the managers of such schools; who, at two lengthened sittings, went through the various clauses, and agreed to urge certain amendments, some of which were ultimately adopted.

The most important new provisions of the Reformatory Schools Act have reference to the power of licensing, which after detention in the school for eighteen months, may be for three months, with

renewal for a like period from time to time, without the necessity of returning to the school; and to the power of apprenticing after being out on licence, and before the expiration of the period of detention. The preliminary imprisonment is now ten days, or a longer term, instead of fourteen. A youthful offender under ten is not to be sent to a reformatory on first conviction, except by a judge of Assize or at Quarter Session; the intention being, that such children shall, on summary conviction, be sent to an industrial school. The religious persuasion to which a child appears to belong, is to be stated in all orders of detention, a school of that persuasion to be selected, and a minister authorised to visit for the purpose of giving religious instruction. Where this was not done at the time of committal, the offender may, at any time within thirty days, on the requisition of the parent or guardian, be removed to another school.

In the Industrial Schools Act there are similar provisions as to the religious persuasion, and as to the power of licensing and apprenticing. Power is also given to allow a child to lodge out of the school with his parent or other trustworthy person, while being taught, fed, and clothed in the school. The class of children to be sent to these schools is more clearly defined, and provision is made both for the reception of offenders under twelve on first summary conviction, and for refractory children in pauper schools. The period of detention, which in reformatories is not under two or more than five years, is left to the committing magistrate, but in no case is it to extend beyond the time when the child is sixteen years of age.

Extradition Treaties, 29 & 30 *Vict.*, *c.* 121.—This Act allows warrants and depositions used under the Extradition Acts to be given in evidence without proof of the signature of the Magistrate, or of depositions being true copies, where the signature of the Magistrate is authenticated in the manner specified by this Act.

BILLS.

Bankruptcy.—One of the most important Bills introduced during the Session was that brought in by the late Attorney-General for consolidating and amending the law of bankruptcy. The Sub-Committee of the department to which this Bill was referred, found, on examining its new provisions, that many of them were identical with those which have been repeatedly advocated by this Department and the Law Amendment Society. The consolidation of the law relating to bankruptcy; the winding-up of an insolvent's estate, through the agency of a paid trustee appointed by and responsible to the creditors; the gradual transfer of the provincial jurisdiction in bankruptcy to the county courts, are all parts of the scheme which the Association has long recommended. But from some of the alterations proposed by the Attorney-General the Sub-Committee dissented, particularly from those which required that the administrative authority to be exercised by creditors should be preceded by adjudication, those which disallowed the right of creditors to arrange for a composition with their debtors, and those which proposed to withhold

absolutely, for six years, the discharge of insolvents who do not pay 6*s.* 8*d.* in the pound.

The Sub-Committee drew up a series of suggestions for the consideration of the Attorney-General, in which they urged the imperative necessity for certain modifications in the provisions of the Bill, which would give the creditors complete extra-judicial control over the estate of the insolvent. These suggestions, which also contained recommendations for several alterations in the details of the Bill, have been embodied in the report of this Committee, which was presented to the Department on the 23rd of May last.

Capital Punishment.—The report of the Royal Commission on Capital Punishment, led to the introduction, by the late Lord Chancellor, of a Bill founded upon its recommendations. After a double revision in Committee, it was reduced to certain provisions of which the chief are as follows:—that there should be no conviction for murder, unless the jury were satisfied of an intention to kill or do some grievous bodily harm; that persons charged with murder may be found guilty of manslaughter; that a wounding of a new-born child should be felony punishable with penal servitude; and that executions should be carried out within the prison walls, in the presence of certain witnesses (including the prisoners, unless the governor thought fit to dispense with their presence; and that a coroner's inquest should be held on the body). The Bill passed the Upper House, but was abandoned by the new Ministry in the Lords, on the ground that it did not fulfil the recommendations of the commission.

Law of Evidence.—An attempt was also made by the late Lord Chancellor, to remove two defects, which have often been pointed out and objected to by this Department. But, unfortunately, the Bill which he brought in, providing that every person in a suit instituted by reason of adultery, or action for breach of promise, should be competent, but not compellable, to give evidence, was lost upon the motion for a second reading, the members on a division being equal. It is to be hoped that next Session a Bill containing these provisions may be passed in the House of Commons, where their justice and good sense have been already recognised.

Clerks to Justices' Bill.—A Bill was introduced by a private member by which it was proposed to prohibit magistrates' clerks from acting as prosecuting attorneys. The mischievous nature of such a provision was clearly exposed in a discussion on the Bill, which led to its rejection. The introduction of the Bill, however, did unexpected good by drawing attention to the grave defects in our administration of criminal justice, consequent upon the want of an official prosecutor.

Statute Law Revision Bill.—The withdrawal of the Bill for revising the statutes, which would have swept away from our statute-book a large number of obsolete and useless Acts, affords a strong instance of the interruption caused in the progress of remedial legislation by the change of ministers in the middle of last Session. Prepared with great care, it only awaited legislative sanction. But the responsibility

of passing it could not be shifted from the out-going to the in-coming government, and it was withdrawn only, it is to be hoped, until next Session.

Legitimacy Declaration Bill.—The Committee much regret that they are obliged to place among the many legislative failures of last Session, the Bill prepared by their Legislative Business Committee for removing any doubt as to the right of parties to suits for dissolution of marriage, or declaration of legitimacy, to have any disputed questions of fact tried by a jury. The obvious justice and reasonableness of such a right, render it of such importance, that the legislature should remove even a shade of doubt as to its existence.

MISCELLANEOUS.

Digest of Law.—The Council of the Association appointed a Committee, at the beginning of the year, to prepare a memorial for presentation to Earl Russell, drawing his attention to the importance of at once beginning the work of digesting our case law. The memorial (which will be found in the introduction to the volume of the *Transactions* for the current year) was forwarded to Earl Russell, who was too unwell to receive the influential deputation which had been appointed to wait upon him. It is earnestly to be hoped that the present government will take up, and prosecute with vigour, a work which has too long been neglected, and which, to the discredit of our profession, has been completed in New York, before it has been begun in the mother country. One of the three men, to whose indefatigable labours the State of New York owes this useful measure, Mr. David Dudley Field, our corresponding member, is present at this meeting, and will add greatly to the interest of the proceedings, by explaining how this work has been so successfully carried out in his own country.

Patent Law.—The report of the Patent Law Commission, the recommendations of which Commission were given in the last year's report to this Department, received an exhaustive examination at the hands of the Committee, in the expectation that Government would have brought forward some measure on the subject last Session. A report of the Committee embodied a series of practical resolutions, the object of which was to reduce the vexations and grievances caused by vague, obstructive, and trivial patents; to establish machinery for the simplification of the procedure connected with the trial of patent cases; and to compel patentees, upon equitable terms, to grant licenses for the use of their patents. The interests of party politics have, however, prevented any measure for reforming the patent law from being brought in, and the value of the suggestions contained in the report still remain to be tested.

Master and Servant.—The Committee of the House of Commons, which during the last two sessions has been taking evidence as to the law of master and servant, has recently presented its report. It contains valuable information as to the relations at present existing between employers and workmen, and suggestions for the removal of

the anomaly by which the breach of a labour contract by the labourer is made a penal offence, whilst its breach on the part of the employer is only a civil injury. These suggestions will doubtless receive the early attention of the Department.

Law Reporting.—The Committee are glad to be able to say that the success of the scheme for bringing the whole system of law reporting under the control of a council of the bar is now placed beyond a doubt by the number of subscriptions which have been received.

INTERNATIONAL LAW.

INTERNATIONAL COPYRIGHT.*

On the best Means of Extending and Securing an International Law of Copyright. By ANTHONY TROLLOPE.

ALL those who are here present, no doubt, know full well that a law of copyright exists in this country by which an author's property in his own work is ensured to him and his heirs for a term of years. This law of copyright protects equally the author, the painter, and the composer of music; but, in speaking to you now of copyright and of international copyright, I shall confine myself to remarks on the copyright of books; partly because I am myself a writer of books, and not a painter of pictures or a composer of music, and partly, also, because the arguments which will hold good as to one class of productions will hold good equally as to the other classes.

This law of home or domestic copyright originated, singularly enough, not in a desire to extend protection to authors, but with a view of limiting that protection, which was presumed to belong to them as a matter of course. It appears that in 1709 an act was passed limiting copyright in England to 14 years. I mention this as showing that, till the law interfered, the ordinary sense and feeling of men presumed that an author's property in his work was the same as that in his house or in his land. Then there came up the idea that, for the sake of literature in general, with the view of protecting readers, not against the authors, but against the booksellers, this right of property should be curtailed as to duration of time, and it was cut down, as I have said, to 14 years.

In 1814, the period was extended to 28 years; in 1842 to 42 years, and to the term of the author's life, should the author outlive the 42 years. This is the law which now defends copyright in England,

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* For the Discussion, see Summary of the Department.

and it may be acknowledged that justice to the author can demand no more.

There have been men whose opinion on such a matter deserves great respect, who have held that all copyright was pernicious. Lord Camden said, in giving judgment from the bench against a claim for copyright, that "Glory is the reward of science, and that those who deserve it scorn all meaner views," meaning thereby that an author should care nothing for his hire, only for his fame. But Lord Camden, who himself achieved much glory, would hardly have been satisfied had no other payment been made to him from his country's exchequer.

There are two living men, great in literature, who think that all copyright should be abrogated by law, arguing that the welfare of the country in cheap literature is of more concern than the material prosperity of the author.

I myself think that such an argument, though it is far better as being far truer than Lord Camden's, admits of easy answer. For all good work done the labourer is worthy of his hire; and taking the world at large—the world of authors as well as the world of ploughmen—without that hire the labourer cannot live. This question, however, is hardly that which you are now requested to consider. It is not for copyright, but for international copyright that I have to plead before you.

The justice of copyright, though it has had its distinguished opponents, has been allowed by almost general consent; and it has, as regards the requirements of our own country, been settled by law. I have alluded to it simply that I may call upon you to note that the questions of domestic copyright and of international copyright stand precisely on the same basis. If the one be desirable, the other must be equally desirable; if the one be just, the other must be equally just.

If there be anyone here who will dispute the propriety of copyright altogether, with him an argument may be held; but I make bold to say that no man admitting the propriety of home copyright, can bring forward reasons that shall be even plausible against international copyright. The only argument that I have ever heard as between two countries is this—between countries, let us say, which we will call A and B,—that we, the men of A, finding ourselves in a condition to get more by pilfering from you, the men of B, than you can get by pilfering from us, we of A will not consent to any law that shall impose a penalty upon us for such pilfering.

Now I would not use so hard a word as that,—even of the pilferers themselves of another nation,—were it not that I shall go on to tell you just now that, in the case which most closely concerns us, they who have hitherto opposed an international law of copyright are not the individuals who seem to be, and who indeed are, the persons most concerned. Our opponents to international copyright are not the publishers or the booksellers of another nation, but the legislators.

And here we are struck forcibly by that singular blindness to honesty which will so often fall upon a joint company of men, of which each member shall be as clear as the sunlight in his own sense of individual integrity. We need not go away from our own cities, or confine ourselves to the question of international copyright, to learn that it is so. Men who are honest enough for themselves can dare to be very much the reverse of honest in the interest of others.

Most of you, however, are no doubt aware that the principle of copyright as regards the work of English authors has been extended beyond our own shores. International copyright does exist,—very much to the profit of many English authors. In 1838, an Act was passed for securing to Englishmen international copyright wherever conventions could be made; and, in conformity with this Act, conventions have been made with the two countries in Europe with which, as regards literature, we are most closely concerned. Such a convention has been made with France; and such a covention,—or rather conventions,—have been made with that country which I may perhaps at the present moment be allowed to call North Germany. We have such a convention separately with Saxony,—which I will not name as a part of Prussia,—and that convention with Saxony has been especially valuable to English authors, for it has enabled them to deal on fair and reciprocal terms with that most energetic of publishers, Baron Tauchnitz. Under his auspices during the last 25 years some 700 volumes of English literature have been republished in Leipsic, by far the majority of which were so republished during the lifetime of the authors.

But there is no such international copyright with that great nursing mother of English readers, the United States of America.

When we speak of international copyright, and of the want of international copyright, we mean international copyright not with Austria, or with Spain, or with Russia, though we shall be ready enough to welcome as additional blessings justice for literature between those countries and our own, but with America!

As regards literature, America and England are one. We read the same language. We think the same thoughts. Our minds run in the same currents. Our literary tastes are formed on the same models. Many popular works of the present day might have been written either by English or by American authors. Who would have known that the "Skeleton in Armour" came from an American poet, or the romance of the Monte Beni from an American novelist, by the simple act of reading? Prescott and Motley might have been English as far as style, and mode of thought, and historic manner are concerned; and very proud England would have been to acknowledge them. There are, probably, above 12,000,000 readers of English in the United States—not, I mean, of readers who can spell their letters and make out words with painful slowness, but of men and women, of lads and lasses, who can sit down to their book, as you and I can, with true enjoyment of its luxury; and yet there is no

international copyright between us and the United States. It is exactly as though there were none between Middlesex and Yorkshire.

In our endeavours to get at the root of this matter, and to understand whether an international copyright would in truth be beneficial to the literary interests of the two countries, we should, I think, bear in mind the literary position of each of them. The United States is of the two the richer in readers, whereas England, including of course Scotland and Ireland, is as yet the richer in writers. That such a difference exists is indisputable, and it is the natural result of the condition of the countries. The United States, beginning as it were afresh, with the experience of all other countries before it, and weighed down, when so beginning, with no existing burden of rooted ignorance, has been able to teach her children—I may almost say, to teach all her children—to read and write. By reading, I mean, as I said before, the faculty of finding positive enjoyment in a book. I am afraid we must own that we fall very far short of this as regards our millions. But among us that leisure which comes from long prosperity and established wealth has been favourable to literary production, as it has been favourable to all intellectual employment. The United States counts her authors in quickly-increasing numbers, but they have not, as yet, increased with her as they have with us; and therefore it is that the Americans consume while the English produce. And, added to this, there is, I think, on the part of Americans, a prejudice in favour of the literature of England over their own. Their most popular authors are more popular with us than they are in their own country, whereas the works of Dickens and Tennyson are sold in numbers of which we here know nothing.

If this be so,—and I think that the assertion will be contradicted by no Englishman or American who has watched the market for literature in the two countries,—it would appear at first sight that we Englishmen, in asking for an international copyright, are demanding from them much more than we are prepared or are able to give in return. But what if it be so? In a great international question shall interest override honesty? Shall a great nation consent to possess itself of that which is not its own because it has the power to do so? Would the Americans take, and dare to say that they took, our cloths and our cutlery without paying us in corn or in cotton, if simply they had the power to do so? It seems to me that any such policy must be most ruinous to the nation which adopts it. But here, in this case, I maintain that the assumption is altogether wrong which presumes that America gains in literature by the absence of international copyright. America loses fully as much as England can lose. Indeed, whenever protection is named as the principle under which rights shall be defended—protection by acts of parliament, or of congress, or of government—we may be quite sure that each party concerned will be the loser. It may be thought that certain booksellers in the United States may gain by the protection to them of property which is not their own—though they,

the booksellers, do not themselves so believe—but no one can think that the readers of the country, that is, literature itself in the States, can gain by it.

And now I will ask you to let me explain what is the present system of republication of modern books in the two countries; for, of course, as there is no international copyright, the system is the same in each, equally dishonest in the one as in the other. I will speak of the republication in America of English books, not as showing any wrong stronger than might be shown on the other side, but because it is the view of the question to which my own attention has naturally been drawn.

Mr. Smith shall be a popular English author,—or rather an author gradually becoming so popular that a reprint of some one of his books in the United States is considered desirable. The reprint is made by some firm there, probably without any question asked—or if asked, it is asked of Mr. Smith's English publisher, and not of Mr. Smith. Mr. Smith, when he hears of it, is not a whit displeased; Lord Camden's theory holds good for the nonce, and Mr. Smith is satisfied with his American glory. But things progress, and Mr. Smith begins to find that he has an American public at his disposal. He is read in the United States, and tidings come to him of editions very wonderful in number which are printed and sold, and for which he receives no further payment than that which comes to him from his American glory. Then he arouses himself and becomes dissatisfied. "What! copies by the thousand, by five thousands, by ten thousands, and no return to me, Smith, for all that I have done for this ungrateful people!" Upon this he inquires and learns that the American publisher who has reprinted him to this extent beyond all his aspirations, is very willing to deal with him, though there is no law of international copyright. Perhaps he goes to New York, and sees the American publisher. The result is this —the American publisher will deal with him. The generous publisher, although he undoubtedly has Mr. Smith in his grasp, scorns to republish Mr. Smith's works without paying for them. He will pay for what are called early sheets—or, more intelligibly, for the receipt of early sheets, which will enable him, the American publisher, to bring out the work on the same day as that on which it appears in England. Mr. Smith is delighted and thinks of his price. But the American publisher has also thought of his price, and knows more about it than Mr. Smith knows. He will pay a price for Mr. Smith's great and favourite work, on receipt of the early sheets, which will, perhaps, nearly defray the cost of Mr. Smith's journey to America. Mr. Smith demurs, thinking that if there is to be a matter of bargaining, each party to the bargain should have a veto. But here the American publisher closes upon the English author, and demolishes him at once: "No, Mr. Smith; I have taken you up at a great outlay of capital, and must go on with you. I will deal with you willingly at so many dollars, or on such and such terms; but if that do not suit you, I fear that I must go on without the payment to

you of any dollars at all, and on no terms as between you and me. I can afford nothing else. How can I pay you a high price for your work, when my neighbour in the next street can reprint it from the first copy he gets?" And in truth this argument is not to be answered. That absence of international copyright which militates against the English author, — which militates equally against the American author, — acts with far greater strength against the American or the English publisher. The publisher can, in fact, buy nothing beyond that almost surreptitious value of early possession. The moment that Messrs. A. and B. in Broadway have brought forth an English work, Messrs. C. and D., in One Hundred and Nine-street, can reprint it from the reprint of their Broadway neighbour. I have fought—I should rather say have attempted to fight,—this battle with American publishers, and have retired from the contest wounded and sore discomfited. It may be that I have had my own peculiar little quarrels. But I am firmly convinced, first by the arguments and operations of certain American publishers in whom I have great faith, and secondly by conclusions drawn from my own experience, that the publishers of the United States would, as a body, be willing that a law of international copyright should be passed, so as to prevail between the two countries. For them the certainty in their property would be more valuable than the catching, dodging, disreputable mode of business which they are now driven to adopt. That for the authors of both countries an international copyright would be desirable, no one, I think, can doubt. I may, perhaps, be allowed to mention that Longfellow, when he showed me, with an honest cheery pride, copies of the exceedingly numerous English editions of his works which have appeared, simply shrugged his shoulders when I asked him as to the pecuniary results from England. I discussed the question of international copyright with him, and it was his opinion that no American who knew aught of literature common to the two countries would doubt as to the expediency of an international copyright. I presume it may be taken for granted that the authors in both countries would desire such a defence of their rights.

But it will, perhaps, be argued that great public interests should be held to be paramount, and regarded as overruling altogether the rights of authors on commercial enterprises of publishers. For myself I will say that I cannot see how any interest, however great, can override justice. If justice demand that the author shall have his copyright, either home or international, no public interest should be allowed to rob him of it. But I altogether deny that public interest in the United States demands any such robbery. The true interest of international literature between England and America is altogether antagonistic to the present system. The American publisher who—I will not say pirates—but assumes as his own the right of republishing an English work, has no legalised property in his venture, and cannot retail to his customers his goods at that price which an assured property in the work would enable him to reach; and, con-

sequently, reprints of English books in America are not cheap. They are brought out in New York at a dollar, or a dollar and a quarter—at 4s. or 5s., we will say—when they are being published in London at 2s. to 2s. 6d. It stands to reason that a certified property in a copyright must enable the publishing proprietor of that copyright to do more in the way of cheap selling than can be done by the unsteady hold of their precarious ventures which the American booksellers now possess.

I have never met an American publisher who has not professed himself to be in favour of international copyright; but I have met American legislators of both houses who have shaken their heads when I have ventured to suggest that the mutual interests of the two countries demand such reciprocal justice. It was their duty, they thought, to protect the American reader. If there be one great political lesson to be preached, the wide world over, it is that lesson which would teach us to abandon the task of protecting anyone, when protection means injustice.

But how are we who are desirous of obtaining an international copyright with the United States,—how are we to proceed to the attainment of our object? All Englishmen,—with such exceptions only as may prove the rule—desire it. The English legislature is willing to take the necessary steps to-morrow, or let us say, next February. American authors wish for it, as do also American publishers and booksellers. But still there is the American Congress to be overcome. In England we are now pretty well aware that public opinion will at last move a mountain;—will at last move any mountain! Our House of Peers, which is the greatest mountain I know, is always movable at last. I believe that the same means will effect the same result in the United States. Agitate; agitate; agitate! International copyright with the United States will, in all probability, never benefit you and me; but I think that we may do something towards assuring the benefit which will accrue from it to those who will come after us. By insisting we shall carry our point,—not in opposition to our brethren in America, but in full accord with them. In the hope that such urgency may be of avail, I have addressed these few words to the congress now present in furtherance of Social Science.

THE TREATMENT OF SUBJECT RACES.*

What is the Duty of the Mother Country as regards the Protection of Inferior Races in her Colonies and Dependencies? By CHARLES SAVILE ROUNDELL, M.A., Fellow of Merton College, Oxford.

FOR the purposes of this paper the native races with which we have to do in our colonies and dependencies may conveniently be considered under four heads: namely, perishing races, such as the aborigines of Australia, or the Indians of North America; stationary or slowly progressive races, such as the Hottentots, or Negroes of the West Indies; progressive but uncivilized races, such as the Maoris and Kafirs; and lastly, the ancient but backward civilizations of China and Hindostan. With these last, however, it will be unnecessary to deal, partly because the principles which ought to govern our relations with the less civilized communities, will be found to be applicable, in a higher development, to the case of the ancient civilizations of the East; but chiefly because India, China, and Japan, each raise special questions belonging rather to the sphere of international morality and imperial politics.

It is a dark page in history which records the contacts of Europeans with Aborigines. We call to mind the deeds of Cortes and Pizarro. We are told by the historian of the West Indies that, "on a moderate computation, the conquest of the islands of the Spanish Main was effected by a slaughter, within a century, of ten millions of the species." The aboriginal inhabitants of Australia can now be scarcely said to survive; the Maoris, who were estimated by Captain Cook, about a century ago, at about 100,000, do not now exceed 56,000; the Caribs of the British Antilles are now extinct, save in one island; while the native races of Newfoundland and Tasmania have long ago wholly disappeared.

But then it is said that the history of colonization is the history of the annihilation of native races: that, in the order of Providence, savage man is destined to disappear before civilized man: that in the "struggle for existence," the inferior races must give way to the superior: that brown and red men have no right to obstruct their superiors in fulfilling the divine command to be "fruitful, and multiply, and replenish the earth, and subdue it."

This is a short and simple way of salving over our consciences. Perhaps, if it had been less simple, it would have less suggested the ugly misgiving that "the wish was father to the thought." What may be in the designs of Providence we know not. This, at least, we

* For the Discussion, see Summary of the Department.

do know, that it is not for us to usurp the functions of Providence, and arrogate for our own rash assumptions the sanction of an inscrutable decree.

I pause to consider whether indeed the progress of the human race involves the extinction of its least favoured members, or whether another and a better solution of the problem can be suggested by the teaching of modern philosophy and religion.

Several practical considerations here present themselves. In the first place, we may look at home, at the presence amongst ourselves, in the heart of our great cities, of our own civilized savages, the parialis of our own civilization. The lessons, which are being forced upon us by the spectacle of our own degraded and debased classes, will not be without their instruction with respect to the question before us.

Then it should be remembered that (as has been well observed*) extermination, in the interest of this doctrine of human progress, really rests on the same ground on which barbarous tribes justify—as even some nations of classical antiquity justified—"the extinction of individual life, as in the case of female infants, children physically defective, and the aged"—a view, which, it is needless to remark, the smallest advance in humanity and real civilization sufficed to reject as equally shallow and barbarous.

Then again, the vices incident to savage nature and society must be borne in mind, as well as the precise mode in which the destructive forces of European contact operate.

There is reason to believe "that the decay of those races the numbers of which have, since their contact with Europeans, so uniformly diminished, was advancing even more rapidly under the influences of intestine wars, cannibalism, and the habits of savage life at earlier periods of their history." † Nor are we left in the dark as to the particular mode in which these "habits of savage life" have an injurious operation. A competent observer has attributed the rapid decay of the Maori race (already referred to) "mainly to their deficiencies in three matters, themselves the material foundation of all domestic economy—food, clothing, and lodging." ‡

On the other hand, the destructive effects of intercourse with Europeans can be referred to definite causes. The first result of such intercourse is, almost invariably, the introduction of ardent spirits and fire-arms, and, not unfrequently, the communication of diseases before unknown. Another and a deeper consequence is the shock given to native ideas and social systems, which, however rude, have at least maintained the elements of society.

Upon the whole, therefore, we may conclude that, however difficult the task, the problem of the preservation of inferior races is capable of practical solution; that the difficulties in the way are at

* "International Policy," p. 542, note.
† "North British Review," No. 88, p. 399.
‡ "International Policy," p. 543.

once tangible and preventible; and that, after all, "the problem presented by savage and semi-civilized communities is essentially the same as that which regards the lowest and most neglected classes of European society: namely, their gradual participation in the best results—physical, intellectual, and moral—of Western civilization." *

How, then, shall we arrive at the solution we desire? Is not the first step the rejection of all *à priori* assumptions, and the patient investigation of facts, including the causes of our miscarriages in the past? Now, the principal cause of past miscarriage has been a failure to apprehend the fundamental distinctions between civilized and uncivilized modes of thought, habits of life, and states of society. This misapprehension, precluding a mutual understanding, has also precluded the natural influence of the superior over the inferior race. It has also, in many cases, nullified, or converted into positive evil, measures which were designed for good.

The first step, therefore, is the understanding of our past misunderstandings, with a view to a wiser policy in the future. And, in order to do this, we must have recourse to facts and experience.

The present age seems to be peculiarly fitted for the right solution of such a problem. As modern science is establishing itself upon a broader, more tentative, and sounder basis, so we may hope that modern statesmanship is becoming more philosophical, more experimental, more humane. The colonial minister has, moreover, for his guidance, a multitude of facts, comparative as well as positive. Travellers, missionaries, and merchants are, day by day, opening up to us sources of information, which a quickened public intelligence and keener political tastes eagerly absorb. Out of the abundance of our materials we might, in fact, almost construct (if I may be permitted to coin the word) a science of comparative barbarology. At the same time, we are arriving at a juster appreciation of our national responsibilities, and of the inherent difficulties in the way of their discharge. Under the influence of a wider philosophy, we even admit that there is a great, though unacknowledged, debt which civilized man owes to savage man, while the application of the doctrine of continuity, as regards the history of the human species, leads us to the recognition of human affinities between the most refined and the most degraded specimens of the race.

Acting upon this enlarged and more humane view of our relations towards uncivilized races, our first endeavour must be to estimate aright savage nature and savage manners. This done, we shall find that, in the process, many difficulties will have disappeared, and that such as are inherent in the subject are capable of being overcome by means within our own control. In the words of Mr. Hutton, from whose essay on *England and the Uncivilized Communities*, I have derived much assistance: "The points of difference which separate savage from civilized existence lie much deeper, and concern fundamental aspects of the intellectual and moral nature and social institu-

* "International Policy," p. 544.

tions. This juster appreciation also brings into clearer view the attributes of our common humanity. The exaggerated importance often assigned to the question of races is thus reduced to its just proportions, and subordinated to conceptions at once more general, and affecting matters which fall to a far greater extent within the modifying power of a thoughtful and wisely-directed human intervention; as, for example, the conditions of domestic well-being, laws affecting property, industry, and the administration of justice, with popular education. The deeper points of contrast, when impartially investigated, are seen to be due, not chiefly to physical conformation, but to social influences, slowly accumulating, and transmitted from generation to generation. They connect themselves, for good or for evil, with a long train of antecedents, and constitute stages in the general growth of society." *

"The real interest of this country [says Lord Grey], is gradually to train the inhabitants of this part [the west coast] of Africa in the arts of civilization and government, until they shall grow into a nation capable of protecting themselves and of managing their own affairs, so that the interference and assistance of the British authorities may, by degrees, be less and less required." †

Now, in order to do this, our first care must be to apprehend the distinctive and characteristic features of savage life; to bear in mind their divergence from the European model; and to make it our business gradually to transmute them in the crucible of a higher civilization, by the force of example, and by contact with European institutions.

In this process, we shall be careful to respect whatever rudiments of social organization we may find already existing, not heedlessly breaking down even tyrannical or superstitious customs (unless, indeed, we see our way to establishing something better in their place), but, rather, seizing hold of whatever good points may under-lie the native institutions—family ties, local attachments, the habit of obedience to chiefs—it will be our wisdom to cherish these as points in common between us and them, as rudiments and germs, elementary and imperfect, it may be, but still capable of being built upon, and of being ultimately made to support the superstructure of civilization.

The first foundations of a new social system will have been laid when provision has been made for establishing some security for life and property. The great instrument for effecting this first object, and, indeed, the most potent solvent of barbarous customs, is the strong and impartial administration of justice. Under the shelter of law, and of a system of police, habits of settled industry will begin to grow up, and with these Nomadism will tend to disappear. Then, when these foundations of material order and industry have been laid, the ground will have been prepared for the action of moral agencies, and the barbarous people will have become amenable to the most potent

* "International Policy."

† "The Colonial Policy of Lord John Russell's Administration," vol. ii. p. 287.

and only efficacious instruments of civilization—namely, education and the influences of Christianity.

If it be objected that this is paying too great respect to barbarous customs, that the process of building up a new civilization on the basis of a gradual transformation of barbarous habits and manners is necessarily tedious, and unworthy of engaging the energies of a highly-civilized imperial government, it must be answered that, at any rate, more ambitious and compendious schemes have hitherto failed; that, after all, races, like individuals, can only be elevated by self-effort, by effort, moreover, exercised in the development of their own peculiar gifts; and that, though the first beginning may be difficult, yet that, when once the beginning has been made, subsequent progress will proceed in an accelerated ratio.

Before I leave the subject of our relations towards barbarous peoples, I will state a particular case, as an example of the practical working of the above principles, and with a view to show the practical difficulties with which the first steps towards the civilization of barbarous tribes are attended.

The case which I cite is the more instructive in that the civilizing influence is exercised over tribes independent of the British Crown, and by the mere force of contact with, and deference to, a superior civilization.

Lord Grey describes as follows * the position of the British on the Gold Coast of Africa: "The position which is there occupied by this country is very singular and anomalous. The British territory, properly so called, is confined to the forts, and the distance of a cannon-shot around them. Beyond this circle no dominion is claimed on behalf of the Crown; but British influence and authority extend over an area of not less than 8,000 square miles, constituting the territories of various native chiefs, and inhabited by a population estimated at 400,000 souls at least." He goes on to say that "Justice is administered to this large population, by their own consent, by British magistrates. The principal of these magistrates is an officer who bears the somewhat strange title of the judicial assessor, who sits principally at Cape Coast Castle, and exercises a superintendence over the proceedings of the magistrates who sit at the other forts. The population of the country under British influence and protection bring their various disputes for decision before these magistrates, on whom the singular duty is imposed of enforcing the rude laws and customs of so uncivilized a people, qualified only by those plain and universal principles of justice which even the most ignorant races understand when explained to them."

It is of course a consequence of this system "that the British authorities must tolerate much of which they do not approve. For instance, the custom of domestic slavery is too firmly established to be suddenly altered." It has been necessary to recognize it within certain limits. So, again, to take a cognate example from another

* "Colonial Policy of Lord John Russell's Administration," vol. ii, p. 270, &c.

part of Africa, polygamy is a deeply-rooted institution. "It is one which time only can abrogate, because men and women would equally oppose any violent attempt to destroy it, and morality would suffer more from the effects of such violence than leaving it to the gradual extirpation which natural causes, and judicious but indirect measures, will most probably soon bring about." * The important question which has been raised by the Bishop of Natal with respect to polygamy, as regards converts to Christianity, will doubtless be readily recalled.

Lord Grey goes on to state that "the public administration of justice by the British magistrates, whose practice it is to explain the grounds of their decisions, has been a powerful instrument of improvement, by preventing the infliction of the barbarous punishments formerly in use, and by gradually diffusing more correct notions as to right and wrong, and as to what actions constitute offences which ought to be punished." It is thus that an inroad has been made upon the barbarous and superstitious customs connected with witchcraft and fetishism. The general results, moreover, of this indirect and suasive influence, exercised by our officers by the force of mere moral asendancy, have been the cessation of intestine wars between the chiefs, and "a slow but constant mitigation of the oppression to which the bulk of the population of Africa is subject from their rulers." And thus we see how, by the institution of a judicial authority, working in consonance with the feelings of the people, wisely restraining itself within limits adapted to a low stage of civilization, and yet enlarging itself with the gradual enlargement of the native moral sense, "the laws and customs which the natives recognize are gradually and silently brought more into harmony with justice, and with the feelings and opinions of Christian nations."

I ought properly to consider this subject, also, in its relation to the higher races represented by the Kafirs and Maoris; but having regard to time, I will confine myself, in what remains, to the consideration of the duty of this country towards that peculiar people, the subject of one of the vastest and most momentous experiments of modern times—a people associated in the public mind with recent painful memories—I mean the emancipated negroes of the British West Indies.

Before I proceed with that part of my subject, I propose to touch upon a point deeply affecting the general relations between this country and all inferior races over whom she exercises control, and notably brought into prominence by recent events in Jamaica.

Much as has been written and said on that deplorable subject, I question whether the public attention has sufficiently riveted itself on that which I take to be at the bottom of all we deplore—the military spirit, the "heritage of triumphant wrong," which descended to our young officers from the Indian mutiny,† and the first-fruits of which we have lately witnessed in the red anarchy of Jamaican martial law.

* Parliamentary paper, quoted in "International policy," p. 523.
† See "Competition Wallah," Chapter IX.

The spirit of which I speak, rooted in an utter absence of reverence for inferiors, is not, however, peculiar to members of the military profession; it exists, in even a more intense form, in the dominant class of a colonial community in which there are sharply-defined contrasts of race. It will suffice to allude to two well-known letters,* relative to martial law, produced before the Commissioners in Jamaica, which embody sentiments not, it is to be feared, limited to the respective writers.

I am well aware that certain allowances must be made, and, in particular, for absence from home, and the consequent relaxation of the restraints which English society and the influence of English opinion impose. The position, too, of an officer or colonist, placed among a subject race, is not favourable to the development of the finer or kindlier feelings of our nature. Yet, after all allowances, the broad fact remains, that (with the exception of the higher officials) English society in India, and in the colonies in which a native race exists, is to a great extent animated with a spirit of contemptuous and almost brutal disregard for the feelings (may I not almost add, the lives?) of the inferior race. The existence of such a spirit is so disgraceful to our humanity that it deserves a moment's consideration. Its origin must, I think, be sought in two kindred motives—pride of race and pride of birth. The former regards the native as an inferior creature; the latter breeds insolence. The two together induce a caste-like spirit, manifesting itself (the military element being predominant in India and the colonies) in the habits of every-day life. It even frames for itself a conventional phraseology, which at length becomes a second nature, and builds up a hard, impassable barrier against the better and more generous feelings of human nature. To such an extent does this second nature warp the judgment and harden the heart, that in times of action the conventional becomes the actual standard of conduct. Hence, in emergencies, such as the Indian mutiny, or the late disturbances in Jamaica (where the insurrection of the negro was resented as a kind of personal insult), the feeling which, in ordinary times, is fatal to all kindly intercourse, amounts to a negation of the commonest instincts of the commonest humanity.

The remedy for such a national scandal can only be found in a changed habit of mind; and this can only be brought about by an improvement in the general tone of society. For, after all, English officers are English gentlemen; and society at large is responsible for the tone of its individual members. Perhaps, if theologians could consent for a season to substitute for barren controversy the guidance of the nation in the weightier matters of this law, public morality might not suffer.

The problem presented by the negro in the British West Indies is altogether peculiar. Our West India Islands are neither colonies nor dependencies. The creole negro of Jamaica or Barbadoes raises no questions of political supremacy. We have not to deal with

* See "Report of Jamaica Royal Commission, 1866," pp. 399 and 755.

Maori king movements or Kafir irruptions. Our rule extends over a docile race, speaking the same language as ourselves, leavened to a great extent by European intercourse, alien to the West Indian soil, regarding England as its adopted "home," and venerating the Queen with an almost more than English reverence. The problem before us is, moreover, one of the vastest with which a great civilized nation can engage. It is no other than that which is occupying also the anxious attention of the governments of Russia and the United States—namely, the re-organization of society, after a system of serfdom or slavery, upon the basis of free labour. The problem, as it regards ourselves, involves the consideration of some general questions. Has emancipation failed? Has it failed, at least, in Jamaica, the noblest and most favoured of our West Indian possessions? Or can we perceive the regular operation of cause and effect, and trace in the disregard of ordinary economical laws, the grounds of failure in the past, and therefore of hope for the future?

I will briefly touch upon a question which lies at the threshold of this inquiry—the capacity of the negro for civilization. The answer to this question must needs affect, at every step, the solution of the general problem. The case against the negro, put in its extreme form, is embodied in the dictum that "any attempt to improve his condition is warring against an immutable law of nature." There are, again, authorities, such as Mr. Matthew Foster, who has stated that, after a long life of hope for the amelioration of the negro, he had given it up in despair; or distinguished travellers, such as Captain Burton and Sir Samuel Baker, the latter of whom has recently asserted that the negro "has little in common with the white man beyond the simple instincts of human nature." On the other hand, however, there are authorities at least equally weighty. Dr. Livingstone (who, by the way, speaks to the superiority of the negro in the interior of Africa over the inhabitants of the West Coast—a superiority which he unhesitatingly ascribes to immunity from the curse of slavery), on being asked, by a late Committee of the House of Commons, whether he shared in the opinion recently expressed with regard to the impossibility of elevating the African, answers: "Not in the smallest degree; they are in a state of degradation, and some time will be necessary for their elevation; but with regard to their capabilities I have no doubt whatever."* Again, Sir Benjamin Pine, who has held official positions in various parts of Africa for nearly a quarter of a century, was interrogated by the same Committee as to his impression of the capability of the negro for managing his own affairs. He answers: "Certainly. Perhaps the great mass of them at present may not be capable of managing their own affairs; but they may be as the nation becomes educated. I do not see why they have not the same natural capabilities as we have." He is then asked as to the degree of civilization to which negro settlements may attain; whether

* "Report of Select Committee of House of Commons on Africa (Western Coast), June 26th, 1865," p. 232.

they will become as civilized as any European settlement. He answers: "Not as civilized as any European settlement; but I think that they will be sufficiently civilized to conduct a decent government." In answer to the question whether he considered the pure negro, without admixture of any other blood, capable of arriving at a high degree of civilization, he replies: "I see no reason to doubt it." Q. "Have we any example of a pure negro kingdom arriving at a high degree of civilization?" A. "They have never been in circumstances to do it."* But enough has been said on this point. Where eminent authorities thus differ, it may perhaps be permitted, in the absence of ethnological conclusions to the contrary, to hold by that more hopeful view, which science does not contradict, which the charities of history favour, and which is in harmony with the known antecedents of our human nature.

Assuming, then, that the problem of our relations with, and duty towards, our negroes in the West Indies is not embarrassed by despair of the future elevation of the race, we must inquire into the causes of the failure, in great part, of our work of emancipation. Taking Jamaica as a crucial instance, to what are we to attribute its present conspicuous state of decay? Is it the result of emancipation, of the abolition of the system of forced labour? Or is it the result of recent legislation as regards its great staple, of the abolition of the protective duties on sugar? Or shall we traverse the planters' pleas, and affirm that the measures for securing personal freedom and freedom of trade have had nothing to do with the vital conditions of the problem? Shall we maintain that it is not a question of race, nor of slavery, nor yet of free trade, but that, in all its essential features, it is the same problem which presents itself in all sparsely-populated new countries—an economical question of capital and labour, supply and demand, which, like all economical questions, is capable of being grappled with, of being understood, and successfully surmounted? I think that the best authorities are unanimous in this latter view. It can be shown historically and statistically that the decay of Jamaica had set in long before the abolition of slavery; that under emancipation our other sugar colonies have, by a wise adaptation of themselves to their altered circumstances, not only surmounted the difficulties incident to so great a change, but have (in several instances, at least, such as Trinidad, British Guiana, and the Mauritius) actually attained to a higher, and still advancing, state of prosperity; while statesmen, like Lord Grey, attribute the exceptional state of Jamaica to the exceptional infatuation with which her planters, as a body, have persistently ignored the logic of facts, and continued to hanker after a pestilent and irrecoverable monopoly.

The following graphic account by a contemporary, resident in Jamaica, of the measures pursued by the planters in the first days of emancipation, will at once illustrate their infatuated policy, and throw

* "Report of Select Committee of House of Commons on Africa (Western Coast), June 26th, 1865," p. 232.

light on the vexed question of "continuous labour:" "At the commencement of freedom, the attorneys and overseers rather resembled madmen than reasonable beings. Deprived of the unrequited labours of the slaves, their great object seemed to be to assimilate their freedom as nearly as possible to slavery. Meetings of planters were held, in which they agreed to unite in fixing the wages of the labourers at the lowest possible amount,* whilst enormous rents were demanded for the labourers' cottages and provision-grounds; indeed, in many cases a *per capita* rental, so great as to absorb the entire wages of the labourers, was imposed and enforced. Such a state of things could not long continue. The negroes became impatient of such impositions, and refused to submit to them, which, as the rents were deducted from the wages, led to their refusing to work. The managers next resorted to forcible ejectment; they unroofed their dwellings, cut down their bread-fruit and other trees, tore up their provisions from the ground, and drove the people, with their families, into the open roads. It was this impolitic as well as oppressive conduct that gave the finishing stroke to the alienation of the labourers from the estates. The strong local attachments of the negroes were well known in the island, and had they been wisely taken advantage of, might have been the salvation of the estates; but they were made use of only to coerce and punish, and thus was severed the only tie which held them to their old homes, and led them to obtain land of their own, which would be exempt from unjust extortion, and safe from the rude hand of violence. But this removal from the estates, which first arose from necessity, soon grew to be an all-absorbing passion; multitudes speedily followed the examples that had been set them, and abandoned the properties on which they had been born, to become possessors of their own lands, until many estates became altogether abandoned, and on nearly all the numbers of labourers became greatly reduced, the people preferring the independence and security of their own homesteads to the expensive and uncertain tenure of the dwellings on their masters' properties."†

The length of this paper forbids my doing more than briefly indicate some of the chief elements upon which a right estimate of our own responsibilities towards our negro fellow-subjects seems to depend. The nature of the problem is well stated by one of our most successful West Indian governors. Lord Harris, in a despatch written in the year 1848, says that "one of the many errors which have been committed since the granting of emancipation is the little attention paid to any legislation having for its end the formation of a society on true, sound, and lasting principles. That such an object could be attained at once, was, and is, not to be expected; but, undoubtedly, had proper measures been adopted, much greater progress might have been made. As the question at pre-

* The writer states that he was present at Montego Bay when such a resolution was adopted, fixing the wages of an able-bodied field-labourer at 7½d. sterling, although they had before sworn their value to be four bits, or 1*s.* 6*d.* sterling.

† "Jamaica, who is to blame?" London: Effingham Wilson, p. 24.

sent stands, a race has been freed, but a society has not been formed. Liberty has been given to a heterogeneous mass of individuals, who can only comprehend licence. A participation in the rights and privileges and duties of civilized society has been granted to them; they are only capable of enjoying its vices. To alter such a state of things, vigorous and prompt measures are required, in order that the authority of the law should be felt; greater weight must be given to the executive; to humanize the people, a general and extensive system of education must be adopted; to assist in civilization, every encouragement should be given to the establishment and to the easy circumstances of a superior class, especially of Europeans, amongst the population." *

It must be confessed that emancipation, in all but its object, was a sorry piece of legislation. It was possible, indeed, by act of parliament, to confer freedom upon 800,000 slaves, but it was not possible, even by act of parliament, summarily to remove the inveterate curse which slavery had engendered. There is that in the infamous and accursed system of slavery which even the sovereign power of freedom can only gradually, slowly, and painfully extirpate. The problem of emancipation may be briefly stated thus: how, in a tropical country, where the means of subsistence are easy, where wants are few, and nature is lavish in her gifts, with a population thin in proportion to the extent of rich territory—how, in such circumstances, the transition may be made from a system of forced to free labour, and natural incentives to industrious exertion be substituted for the coercion of the whip. It is worthy of observation that the government of 1833 had proposed a plan to satisfy the conditions of this problem, which was, however, subsequently dropped. The characteristic of the rejected plan was "to stimulate the negroes to industry by the imposition of a tax on their provision-grounds, while very stringent regulations for enforcing the payment of the tax, and for the prevention of vagrancy, were to have been established. The design of these proposals was to substitute, for the direct coercion of the whip, the indirect constraint by which the working classes in other countries are driven to exertion—namely, the impossibility of otherwise obtaining such a maintenance as their habits render necessary to them." †

It should also be remembered that other nations have profited by our mistakes, and that in the Dutch, Danish, and French sugar colonies emancipation has been treated as a gradual process.

The future of our West India colonies must depend largely upon their government. The experience of Jamaica has shown the unsuitableness in such a community of representative institutions. An elective representative assembly is, in fact, in the conflict of the white and coloured races, an oligarchic tyranny veiled in a popular dress. What is wanted is a government which shall devote itself impartially to the

* "The Colonial Policy of Lord John Russell's Administration," vol. i. p. 86.
† *Ibid*, vol. i. p. 76.

interests of both races, and which, in the interest of the negro, shall charge itself with the triple functions of protection, guidance, and control. Such a government is to be sought, for a time, at least, in a paternal despotism.

The first step towards reclaiming the negro to habits of order and settled industry must be an impartial and trusted administration of justice: If any defect was conclusively established by the late inquiry in Jamaica, it was the need of a stipendiary magistracy. There is an elaborate return appended to the report of the Commissioners, bearing upon the administration of justice in the parish of St. Thomas-in-the-East, which is worthy of attentive study.*

Again, the state not only of Jamaica, but of the other West India Islands, points to the necessity of measures for preventing vagrancy, for regulating native settlements, for encouraging settled industry, and for enforcing the observance of the elementary conditions of morality and health.

The principal agents for effecting these primary requirements will be an efficient police, the enactment of a bastardy law, the establishment of hospitals, and a well-organized system of medical supervision, the construction of roads, the instruction of the people in improved methods of agriculture, and, above all, a system of industrial,† compulsory,‡ unsectarian education.

For these purposes the government must be furnished with means; and, next to a sound administration of justice, a wisely-adjusted system of fiscal economy will be found a potent agent of govern-

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* "Report of the Jamaica Royal Commission, 1866," p. 1082.

† "What is wanted is an education that would make intelligent labourers and useful citizens, and no system seems so likely to accomplish this object as industrial schools, where learning and labour should be taught together. Such a system of education would not only have the advantage of economy of expense, by contributing considerably towards its own support, but it would tend to remove the idea of disgrace which, in Jamaica, is attached to field labour, and make it respectable in the eyes of the people. It would also accustom them to the use of better implements of agriculture, as well as improved and more scientific methods of cultivation, which could not but exert a beneficial influence on the prosperity of the island. There is at present one institution of this description, established in the parish of Metcalfe, by the agent of the American Missionary Society, in which not only agriculture is carried on to a considerable extent, but other useful trades, as tanning, smith's and carpenter's work, and a saw-mill moved by water power, and a fair crop of sugar is also cultivated and manufactured. This valuable institution is, to a considerable extent, self-supporting; its influences are seen for miles round in the superior intelligence of the people, their improved methods of cultivation, and general good conduct." *Jamaica, who is to blame?* p. 80.

‡ "The great difficulty which lies in the way of accomplishing such an object [the establishment of schools such as that in the parish of Metcalfe] "arises from the indifference of the parents, who have little or no appreciation of the value of knowledge, and are generally unwilling to incur the least expense for the education of their children, or even to forego any little services they may be able to render them in their work or at their ground. The consequence has been that the schools have been but very poorly attended, and that attendance very fitful and irregular. Under such circumstances, it becomes a question whether compulsory education ought not to be adopted." *Jamaica, who is to blame?* p. 81.

mental civilizing influence. In nothing so much as in the principles of taxation is the difference between civilized and uncivilized communities made manifest. The reasons which induce the governments of Europe to lighten the burden of taxation on the working classes, with whom subsistence is difficult, and the motive to exertion urgent, fail of application in the case of the semi-civilized people of a tropical country, whose standard of physical comfort is low and easily satisfied. In a word, in such a community direct taxation, which presses upon the means of subsistence, is proved to be at once the most productive source of revenue, and incidentally an instrument of high value in the work of civilization. An example of a mischievous system of taxation is to be found in the recent history of Jamaica. There, under the auspices of the planters, an *ad valorem* duty of 12½ per cent. is imposed upon the import of articles ordinarily in use by the negro peasantry. There is also a tax charged upon horses and carts. The obvious effect of these taxes is to obstruct the advancement of the people in ways of industry, in material comfort, and in the habits of civilized life. It should, moreover, be an object of the government to secure, if possible, the intelligent co-operation of the negroes, by publication of the official accounts, and by the specific appropriation of local taxes to local objects, such as education and public roads.

It is impossible, however, to touch upon the question of imports without expressing astonishment at the apathy which, regardless of the prodigal wealth of nature, allows commodities to be introduced from abroad which could be supplied, to the common advantage of estate-proprietor and peasant, by the rich soil and varied climate of Jamaica itself. "I have no patience," exclaims Mr. Sewell, "to listen to their complaints, when I look at the unbounded wealth and wonderful resources of the country. They cry out at the high price of labour, and pretend they cannot grow corn, when corn is grown at five times the cost in the United States, and exported to Jamaica at a handsome profit. They import beef, and tongues, and butter, though this very parish of Manchester offers advantages for raising stock that no portion of America possesses. They import mackerel, and salmon, and herrings, and codfish, though Jamaica waters abound in the most splendid kind of fish. They import woods, though Jamaica forests are unrivalled for the variety and beauty and usefulness of their timber. They import tobacco, though their soil, in many districts, is most excellent for its growth. The negroes, who have never been taught these things, are learning them slowly by experience, and a gradual decline in certain articles of import, demonstrates that they now raise on their properties a very large proportion of their own provisions." *

It remains only to glance at the questions which relate to the tenure of land. The fact is that, in Jamaica, as in the other islands, the negro, like the Irishman, has an instinctive hankering after

* "The Ordeal of Free Labour in the British West Indies." p. 223.

the ownership of land. Hence the propensity, since emancipation, to abandon the estates for small holdings of their own, either in the mountains, or on the unoccupied wastes which abound in all the islands except Barbadoes. These plots of land (which are cultivated as provision-grounds, or for the production of sugar and coffee, or arrowroot, ginger, and spices) are either purchased as freeholds, or irregularly squatted upon. The bearing upon the labour question of this propensity for the acquisition of land is obvious. In Jamaica alone, it has been calculated that, out of a population of upwards of 350,000 blacks, some 60,000 are freeholders, while only 30,000 are employed as labourers upon the sugar estates. The bearing, also, of this land question upon the late disturbances in that island will not be forgotten. It is, in my opinion, upon a right solution of the many important questions which turn upon the tenure of land that the future prosperity of Jamaica will largely depend. For instance, accepting facts, cannot this negro propensity for land be turned to account? Is there any necessary conflict of interest between the large proprietors and the small freeholders? Are we to be compelled to believe that, along with slavery, the day of large estates is bygone, and that freedom can best be worked out by a population of peasant proprietors? If I may refer to the result of inquiries which I myself made whilst in Jamaica, I may state it as the almost unanimous opinion of those with whom I conversed that there is no ground for anticipating the gradual abandonment of the large estates for a system of *petite culture*. And, indeed, such a revolution is to be deprecated in the interest of the negroes themselves, inasmuch as the cultivation of sugar, which requires capital, constitutes the chief source of wealth; and still more, because, with the withdrawal of the staple cultivation, the Europeans also would withdraw, and thus a fatal check would be given to the civilization of the negroes. There is, moreover, reason to believe that it is not so much a dearth of labour as a dearth of capital under which Jamaica suffers; at any rate, that the question of capital is at least as material as that of labour; and that, where capital is at hand, and wages are regularly paid, a fair supply of continuous labour may be reckoned upon. Not but that the labour of the negroes must be supplemented by imported labour. Such extraneous supply, in all the islands, probably, except Barbadoes, is a necessary safeguard against the uncertainty of the native supply. Trinidad is a capital instance of the benefits to be derived from a well-organized system of immigration. It is only necessary to add that there is no conflict of interest between coolies and creoles.

Beyond this, the planters, loyally accepting emancipation and free trade, must look to improved methods of cultivation and manufacture, and, above all, to the inspiring new relations of confidence and good-will between themselves and the freed peasantry. A chief step in this direction will be a fair adjustment, by law, of the relations between employer and employed, such as is embodied in the Master and Servants' Act of Barbadoes.

It is also a serious question whether the government ought not to enforce strictly, with peremptory provisions for forfeiture and resumption, the laws imposing quit rents, or land tax, upon ruinate or abandoned estates. The Crown might, in such cases, lay out village settlements, and allot lands to negro cultivators, at a fixed rent, and on a certain tenure, with provisions for the ultimate vesting in the tenant of the ownership in fee simple.

The possessory law of Jamaica, which gives a title after an occupation for a certain number of years, applies only to lands upon which the quit rent has been paid for twenty years at least. Practically, therefore, the law operates harshly against squatters, and to the undue advantage of the legal owner. It would appear to be well worthy of consideration whether, in a country in which more than two-thirds of the land is unoccupied, and in a community composed of a dominant proprietory class on the one hand, and an ignorant and semi-civilized peasantry on the other, it consists with public policy that the law should be strained in favour of absentees, to the detriment of the public interest, to the perversion of real justice, and to the direct encouragement of disorder and chronic discontent.

I cannot close this paper without referring to the verdict of public opinion upon recent events in Jamaica. In what I have written, I have advocated the supreme exercise, at all times, and towards all—even the most lowly—races subject to our dominion, of a moral and humane national influence. But if indeed, as is alleged, there is one law for the European, and another for the African; if indeed public opinion reverses the rule of Christian morality, and acts towards the humble negro, not as it would act, or be acted by, in the case of a civilized equal; then all that I have written has been written in vain.

The capital question, then, before us at the present time is this: "Is the heart of the nation right in this Jamaica matter, or is it not?" Notwithstanding appearances to the contrary, I venture to think that it is right and sound to the core. I will go further, and even assume that those who err err not so much from degeneracy from the old English spirit as from ignorance of facts—culpable ignorance it may be, but still ignorance of the common facts which a Royal Commission has authoritatively established. Those facts are before the nation; and the ultimate appeal in this great national inquest lies not to a few literary cynics, but to the warm heart and rough but true instincts of the mass of the people. If I do not read the national verdict amiss, I read it in a record of burning indignation, and shame unutterable, at the deeds of blood which, most unnecessarily, were perpetrated against an inferior race during the hell-like saturnalia of martial law.

EXTRADITION TREATIES.*

How may the Extradition of Criminals be best secured consistently with the right of Asylum? *By* P. H. RATHBONE.

IT seems singular that previous to 1842 there was no single country with which we had a treaty for extradition. The explanation may be the greater difficulty, in those days, of moving from one place to another; and, so far as the continent was concerned, the general belief in the efficacy of the passport system may have had some influence. In 1842, a very short clause was attached to the Ashburton treaty, providing for the extradition of criminals guilty of the crimes of murder, attempt to murder, piracy, robbery, forgery, or the utterance of forged paper. Absurdly meagre as this list of crimes was, the extradition treaty concluded with France the year following (1843) still less approached completeness, providing, as it did, only for the cases of murder, attempt to murder, forgery, and fraudulent bankruptcy.

Even with this incomplete convention there was some difficulty. The Act passed by Parliament provided different formalities to those specified in the convention as necessary to be gone through previous to the surrender of a criminal; and the French authorities, having complied with the latter, felt naturally aggrieved when they found these were not sufficient. Owing to this and other causes, up to 1852, out of fourteen criminals demanded by the French government, only one had been surrendered; and in this case the man was captured in Jersey, whose procedure differs from our own. Great dissatisfaction was naturally the result of this state of things, and the British government, after strong remonstrances from that of France, entered into a new convention. This convention stipulated expressly that no prisoner surrendered under it should be punished for a political offence committed previous to surrender. The catalogue of offences was very carefully drawn out, and was, so far as I have been able to judge, very unobjectionable, though complete. With some alterations and added safeguards, which the French government were quite willing to entertain, this convention received the approval of the most eminent lawyers on either side the House of Lords when the Bill for giving it effect was introduced. Unfortunately, at this time the famous *loi des suspects* was introduced, and created so strong a feeling against the Emperor that Lord Malmesbury thought it prudent to withdraw the Bill. Had it got so far as the House of Commons, the completeness and statesmanlike character of the measure, together with the clear and definite principles upon which it was based, would have probably been fatal to its success in

* For the Discussion, see Summary of the Department.

an assembly so largely composed of men who have muddled their brains away in making sufficient money to buy their seats.

The question remained in this unsatisfactory state until the latter end of 1865, except that a convention was concluded with Denmark in 1862. The patience of the French government at length came to an end, and they gave notice of the termination of the treaty. Considerable negotiation ensued, which resulted in the passing of a provisional Act last Session, with an intimation from the Lord Chancellor that the subject would probably occupy Parliament next Session. This Act, however, only altered the procedure, and did not enlarge the list of crimes, which remained as absurdly imperfect and capricious as before.

We have as yet no extradition treaty with Belgium, and Ostend being as near almost as Calais, it would seem rather superfluous stupidity in any one to fly to France instead of Belgium, were it not that some of the classes of crime omitted by the French treaty are precisely those which are likely to be committed by men in a position, and with sufficient education, to render flight to the continent a feasible means of escape.

As to the danger of rendering the right of asylum for political offences insecure, there does not seem any insuperable difficulty in making that danger void from remoteness. The French government have proved their good faith on more than one occasion, and Lord Cranworth mentioned that in a case when a man had been surrendered by Belgium on a charge of rape, which was found to break down, the government refused to try him for the minor offence of assault with intent, and he was sent back to Belgium. The truth is, we English are too much inclined to treat with foreign governments as if they were destitute of the commonest principles of honour, and we then wonder at the almost universal dislike with which our nation is regarded.

The questions for to-day's discussion would seem to resolve themselves into the following heads:—

1. Is it desirable that there should be extradition treaties at all?
2. To what classes of crimes ought such treaties to be restricted?
3. What guarantees are requisite to prevent abuses?

I. I should have thought it unnecessary to detain the meeting upon the first question were it not that an article in last Saturday's *Examiner* maintains the inadvisability of extradition treaties at all. The principal arguments, so far as I understand them, of this article, are, that the first Napoleon imposed extradition treaties on surrounding nations, that they are of foreign origin, and that the present ones have been the result of foreign dictation. Really these are the arguments of a bygone age, and the last one is especially humiliating. Are we so weak that we cannot afford to do right for fear other nations should suppose we were dictated to? One argument remains, however, of more force than the others (for they are merely appeals to obsolete prejudices), which is, the difficulty that may arise sometimes in distinguishing between political and non-political offences.

Take, for example, the case Sir Hugh Cairns alluded to—namely, supposing Mr. Lincoln's assassin had found his way to England, could we possibly have made up our minds not to give him up? And yet his was said to be essentially a political offence. I should answer to this, that Booth's was not essentially a political crime, but a crime against humanity, committed under the influence of political excitement, and that it would be unworthy of a great country to screen such crimes.

A case of greater difficulty did arise when a slave, in escaping from slavery in the United States, killed his master and got away to Canada; or one might arise should a body of political prisoners overpower their gaolers and break out of prison, and some of the gaolers be killed in the struggle. In both these cases the crime is essentially a political one. The essence of a political crime seems to be that it is rebellion against, resistance to, the action of a certain form of government, whether by armed force or not; and if that resistance involves loss of life, that fact does not take it out of the category of political offences. Assassination has, by common consent, come to be considered as a foul and unnatural way of pursuing political ends, just as the use of poison, or the destruction of unarmed men or prisoners, would be considered a foul and unnatural way of carrying on war; and therefore assassination, being a crime against humanity, ceases to be a political offence. The *Examiner* argues that the prisoner ought to be tried in the courts of the nation where he is caught, not in those of the country where the crime is committed, and from which he has fled. Does the *Examiner* really mean what it says? Take the very case of Booth. Is it expedient that all the witnesses which would have been requisite should have been brought over here? Or suppose he had fled to France, would it have been desirable that he should be tried before French judges, with a course of procedure entirely different, with witnesses probably ignorant of the language of the court, and the accused himself not improbably so? Would it be desirable he should be tried many thousand miles away from where the crime was committed, so that if a link was missing in the evidence, it could not be supplied before the expiration of months? If a man lives in England or in France, he knows what to expect from the laws of the country in which he lives; but to try him in a country with different laws and different punishments for a crime committed in his own, seems to be neither just, nor reasonable, nor expedient. I therefore respectfully submit that extradition treaties are a necessary complement to railways, steamers, and the abolition of passports.

II. But to what classes of crimes should such treaties be restricted?

(*a*). To crimes against the person, murder, attempt to murder, offences against women with violence, manslaughter, &c.

Here two remarks seem required—first, that extradition ought not to take place except for serious offences; and accordingly the 1852 convention provides that only those cases which come under the denomination of felonies in England, and which in France subject

the culprit to severe and degrading punishments, shall be subjects for the action of the treaty; secondly, the crime should in both countries be recognized as such, *e.g.*, in England death ensuing from a duel subjects the surviving principal and the seconds to a charge of murder. This is not the case in France, and therefore I do not think France ought to be required to carry out the extradition treaty in such a case.

(*b*). To crimes against property—first, to those involving no breach of trust, thefts, robbery, forgery, fraudulent bankruptcy; secondly, to those involving breach of trust, such as embezzlement by clerks or servants, or thefts by servants.

(*c*). To serious crimes against private character.

(*d*). Perjury, subornation of witnesses.

Care should be taken that mere offences against morality, however outrageous, should not be subjects of extradition, and it would seem almost questionable whether bigamy should be included, except when it was clearly proved that the fact of the first marriage was concealed from the second wife, and it would then be treated as an injury done through fraud to her.

III. And, lastly, what guarantees are requisite to prevent abuses?

First—The power should be retained of terminating the convention at a certain notice.

Secondly—Security should be given that the prisoner shall have public trial within a certain reasonable time; and that he shall be tried for the crime for which he was surrendered, and for no other. Notice, too, should be sent to the nearest representative of the country surrendering the prisoner, that he may satisfy himself that the provisions of the treaty are carried out in these respects.

Thirdly—No prisoner should be surrendered except upon a clear statement and full particulars of the crime committed, and upon proof of identity as provided in the convention of 1852.

With precautions similar to those, surely we could safely wipe out the disgrace which at present attaches to us—that, owing to our suspicions of foreign governments, and the inability of our Parliament to examine carefully into the real state of the question, we are the convenient refuge for all the manifold forms of scoundrelism which war against society.

On the Same. By JOHN WESTLAKE, *Barrister.*

I HAVE thought it useful to give a short account of the chief difficulty which has been experienced in the practical working of an extradition treaty with France, and of the method of overcoming it which has been taken by Parliament during the last Session.

The difficulty on the part of France was real, and not raised by any captiousness or undue sensibility. I hope that the remedy will prove effectual, as a similar one appears already to have proved in the United States; but if any further question should arise, a full understanding of the case will facilitate its solution.

Locomotion is now so easy that if criminals could safely reckon on attaining impunity by crossing a frontier or a narrow sea, the inconvenience would be quite intolerable. A French criminal escaping to England, or an English criminal escaping to France, must be tried in one of the two countries. Now, whatever the ease of locomotion, it must always be more easy to carry one criminal back than to bring many witnesses after him. Nor are the witnesses only wanted for the day of trial: it is often necessary that they should see the prisoner before that day, in order to ascertain whether they can identify him; and often, again, it happens on the day of trial itself that some point requires to be cleared up, and is cleared up by evidence adduced at the briefest notice, when the trial takes place in the neighbourhood, but which could not be adduced if it had to be sought in another country. We must, therefore, reject, as chimerical, the idea sometimes put forward, that fugitive criminals can be effectually tried in the country to which they have escaped; and unless we are prepared to make the country a den of thieves, we must acquiesce in extradition as one of the permanent and generally-admitted necessities of society. Nor is it less generally admitted that the extradition can only be suffered when the circumstances are such as, by the law of the country which suffers it, would warrant the detention of the criminal for trial if the offence had been committed within its limits. The divergence takes place at the point when that principle has to be applied between two countries which adopt different systems as to the conditions under which criminals are detained for trial.

In England, as we know, there must for that purpose be *primâ-facie* evidence of the guilt of the accused, not only given on oath, but reduced into writing and signed by the witnesses; these are what we call depositions, and they remain distinct from the formal indictment which is afterwards presented against the person detained, not by the magistrate who ordered the detention, but by the prosecutor. In France, the detention is ordered by a magistrate, upon such evidence as satisfies him of there being sufficient ground for the accusation; but that evidence, and all further evidence which is acquired during the detention of the accused, the whole of which period is occupied by the authorities in carefully investigating the case, are worked up into an *acte d'accusation*, which differs in two main points from an English indictment. First, it is drawn up and presented, not by an independent prosecutor, but by a functionary acting in constant communication with the committing magistrate, and, like him, a member of the great official hierarchy of justice. Secondly, it is not a formal instrument, but a copious narrative, in which the facts that have been deposed to are given sometimes in the words of the witnesses, and sometimes in those of the prosecution,

and which in either case are mixed with the inferences and theories of the prosecution, and graced with rhetorical artifice and moral invective. The ultimate trial commences with the reading of this piece, and from it the jury derives all its knowledge of what has preceded. The same or other witnesses may be produced to the jury, but the precise evidence on which the criminal was detained does not re-appear, perhaps does not even continue to exist in a formal or distinct shape.

Most persons are probably aware, from the discussions in Parliament, that the recent difficulty about the *primâ-facie* evidence of guilt, which is admitted to be necessary for extradition, has been concerned, in some way or other, with the mode of authenticating depositions. I shall presently explain more fully what it was, but I wish my hearers, as a preparation for entering into it, to realize that for a French magistrate to ask an English one for depositions, or, rather, for an English magistrate to offer them, since no French one asks for them—is to offer documents, or copies of documents, about which there can be no ambiguity, because our law positively requires them to be signed by the witnesses and preserved distinct; but that for an English magistrate to ask a French one for depositions will be understood as asking for his notes, or copies of his notes, of what the witnesses said before him, and for all other information, possibly even for all theories, which he has received or formed, and may feel disposed to incorporate in the *acte d'accusation*, often too without distinction, or without the means in the memoranda before him of drawing a distinction, between that part of the mass which accumulated before and that part which has accumulated since his warrant for the criminal's detention was issued. The English magistrate has to be impartial between the criminal and a private person who is prosecuting him. This distinction of parts between the magistrate and the prosecutor obliges the former to preserve distinctly the depositions of the latter and his witnesses, verified by their signatures; and nothing can be simpler than to send abroad copies of these depositions, compared with the originals by the officers who take them, and the correctness of which, as copies, that officer can therefore verify on oath before the foreign magistrate, if required to do so. Such, then, as between England and the United States, whose criminal jurisprudence is traced on English outlines, is the natural mode of furnishing that *primâ-facie* evidence of guilt on which alone extradition ought to be granted. In the French system, which is also the usual one on the continent of Europe, not only is the prosecution public, but there is no distinction of parts between it and the magistrate. That which prosecutes is the great official machine of justice, co-extensive with the state, of which the policeman and the magistrate are both parts, both charged with the suppression of crime and the investigation of guilt, and whose functions differ less in kind than in the subordination of the one to the other. To ask such a magistrate for depositions is to ask him for the motives of his prosecution; and accordingly, as between two continental countries, the *primâ-facie* evidence required

for extradition is naturally furnished by a report from the magistrate on the supposed facts, possibly contained in the warrant of arrest itself, which would not be so closely tied to formal language as in England, possibly accompanying it as a separate document. And to ask for its verification by the policeman who brings it to the country whence the extradition is demanded could only, in such a system, be understood as asking that the official inferior should certify the propriety of the proceeding of his official superior.

The first article of the Anglo-French treaty of 1843 is expressed in the following terms :—

"It is agreed that the high contracting parties shall, on requisitions made in their name through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused of the crimes of murder (comprehending the crimes designated in the French Penal Code by the terms assassination, parricide, infanticide, and poisoning), or of an attempt to commit murder, or of forgery, or of fraudulent bankruptcy, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other: provided that this shall be done only when the commission of the crime shall be so established as that the laws of the country where the fugitive or person so accused shall be found would justify his apprehension and commitment for trial, if the crime had been there committed.

"Consequently, on the part of the French Government, the surrender shall be made only by the authority of the Keeper of the Seals, Minister of Justice, and after the production of a warrant of arrest or other equivalent judicial document, issued by a judge, or other competent authority, in Great Britain, clearly setting forth the acts for which the fugitive shall have rendered himself accountable; and on the part of the British Government, the surrender shall be made only on the report of a judge or magistrate duly authorized to take cognizance of the acts charged against the fugitive in the warrant of arrest or other equivalent judicial document, issued by a judge or competent magistrate in France, and likewise clearly setting forth the said acts."

The second paragraph of this article, taken alone, would establish extradition on the basis which I have pointed out as being the most natural one between continental countries, the only thing which it mentions as necessary to be furnished by the country making the demand being "a warrant of arrest, or other equivalent document, issued by a competent authority, and clearly setting forth the acts for which the fugitive shall have rendered himself accountable"—that is, of course, shall be alleged to have rendered himself accountable, or of which an account shall be demanded from him. Lord Aberdeen probably signed the treaty under a conception as to its meaning, the existence of which, at least at a later period, is betrayed in Lord Clarendon's despatch to Lord Cowley of 10th January, 1866. In that despatch his lordship argues that the treaty requires that the demand for extradition *shall* be accompanied, not as the plain

words of the second paragraph of the first article say, by a "warrant of arrest or other equivalent judicial document," but by evidence. This conclusion seems to have rested on the assumption that the paragraph in question was meant as an addition to the preceding one, so as to leave unqualified and uninterpreted the requirement "that the commission of the crime shall be so established as that the laws of the country where the fugitive shall be found would justify his commitment for trial, if the crime had been there committed." But since either government might naturally expect that the other should particularize in the treaty what it required, and not leave that important point to turn on a vague reference to its own laws, of which the first government could have no official, and possibly no actual, knowledge; since the second paragraph really does particularize what the French government requires on an English demand for extradition; and since the word "consequently," with which it begins, seems to convey that what has before been announced in principle is going to be stated in detail; there is no reason to doubt that the French government signed in the honest belief that "a warrant of arrest or other equivalent judicial document," was all that could, under the treaty, be required from them also.

With the professed intention of carrying the treaty into effect, an Act of Parliament was passed in the same year, the second clause of which is as follows:—

"Provided always, and be it enacted, that in every such case copies of the depositions upon which the original warrant was granted, certified under the hand of the person or persons issuing such warrant, and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person apprehended."

The Act thus proceeds no less distinctly on that which I have described as the natural English basis of extradition than the treaty, according to the French interpretation of it, proceeds on the other.

The practice since 1843 has been such as might have been expected. The French demands for extradition have been accompanied by documents in accordance with their view of the treaty, but extradition did not follow, because they were not in accordance with the Act. The English demands were accompanied by evidence in accordance with the Act, but the French authorities appear to have regarded it as superfluous, and gave up the criminal, when they could find him, on looking at the warrant alone.

This want of uniformity naturally led to the French government giving last December six months' notice to terminate the treaty, and a good deal of negotiation followed, resulting in the prolongation of the treaty, and the passing an Act of Parliament which provides that it shall be sufficient if the foreign magistrate certifies that the documents sent are true copies of depositions taken by or before him; that is, in effect, he will have to send a report, but it must not be couched in his own words, like the *acte d'accusation*, which at one stage of the negotiations the French appeared willing to furnish, but

it must contain, and he must certify that it contains, the very words used by the witnesses before him.

A notion prevailed in this country, and makes its appearance even in the official correspondence, that the French took a silly objection to so inferior an officer as a policeman being required to verify on oath the exactitude of copies from written originals, after that exactitude had been once certified by a magistrate; but I hope it will now sufficiently appear that it is not the exactitude of a copy, but the truth of the magistrate's certificate of what the witnesses said before him, which it was refused to submit to the verification of a policeman.

I have no hesitation in expressing my opinion that the Act of Parliament thus passed was absolutely necessary. A great concession is made to our ideas of justice if the French magistrate certifies, not a report f his own, but the very depositions. It cannot be expected that any further concession should be made, or that the forms of preliminary investigation in France should be altered, for the purpose of furnishing evidence to England. The very demand must appear to be, as it is represented to be, a demand that the case should undergo a preliminary trial in this country, which will not be conceded. We have to consider whether it is better that extradition should cease, or that it should be granted on the terms settled by the Act of last Session.

The United States Congress passed, in 1860, an Act of a similar or even more liberal nature:—

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that in all cases where any depositions, warrants, or other papers, or copies thereof, shall be offered in evidence upon the hearing of an extradition case under the second section of the Act entitled, 'An Act for giving Effect to certain Treaty Stipulations between this and Foreign Governments for the Apprehension and Delivery up of certain Offenders,' approved August twelfth, eighteen hundred and forty-eight, such depositions, warrants, and other papers, or copies thereof, shall be admitted and received for the purposes mentioned in the said section, if they shall be properly and legally authenticated, so as to entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party shall have escaped, and the certificate of the principal Diplomatic or Consular Officer of the United States resident in such foreign country shall be proof that any paper or other document so offered is authenticated in the manner required by this Act.

"Approved June 22, 1860."

Under this Act, extradition has taken place five times out of ten that France has demanded it from the United States, and there is nothing in the administration of criminal justice in most continental countries which should lead us to feel any hesitation in according credit to a magistrate's certificate of depositions made before him.

I will not detain the meeting by mentioning the provision which

should be made for the temporary detention of criminals before the certified depositions can arrive, or several other points which have been ably treated by Mr. Rathbone and Mr. Miller. But I must say a few words on the crimes for which extradition ought to be granted, and I may be brief in this, because those gentlemen have also already pointed out the absurdity of granting it for robbery and not for larceny, or for forgery and not for embezzlement. But I would add that no enumeration of particular crimes can be sufficient, or guard against the chance, I will say the certainty, that some will be omitted. The only true remedy is broadly to express the principle; to say in the treaty, and in the laws which are to give it force, that extradition shall be granted whenever the facts, if they had occurred in the country to which the criminal has escaped, would constitute any crime or offence other than that of treason or sedition. It need be thought of no consequence that the denomination of the crime may be different, or the penalty attached to it more severe, in the one country than in the other. In matters which in both countries are admitted to be criminal, there can be no injustice in binding the offender to that measure of guilt and punishment which is meted to his deed in the country where he has chosen to commit it.

In cases of trifling importance, which Mr. Rathbone would except from treaties of extradition, I would rather trust to the good sense of the foreign government not to make the demand. If it thought the case worth the trouble and expense which would always fall on it, I can see no principle on which the extradition could be refused, the act, however trifling, being by hypothesis deemed criminal in that country also on which the demand is made. Any inconvenience which might arise would, I submit, be more than counterbalanced by the inevitable incompleteness of any particular enumeration. Moreover, we must remember that the technical class in which an act is placed is far from being always a test of its real criminality, which must often depend very greatly on the circumstances.

I am perhaps bound to explain what is involved in the fact being appreciated throughout by our own law. Take, as an example, the case of the slave Anderson, whose extradition was claimed for a so-called murder, committed on his owner who tried to arrest him while making his escape from slavery. The killing was unlawful in the United States, because slavery was there recognized at the time, and the arrest of the escaping slave was consequently lawful, the resistance to it unlawful. But, by the provision I have proposed—namely, that the facts must be estimated as if they had occurred in the country in which the demand for extradition is made—we should not stop at the circumstance that the resistance was unlawful; we should examine the bare facts, stripped of all the legal colouring which any laws, existing in the United States, but different from ours, would give them. So examined, the relation of owner and slave would be eliminated; we should see only a lawful resistance, and should refuse to give up the fugitive. But beyond this, in considering the protection to be given to the right of asylum, I have advisedly chosen to make the exception

only of treason and sedition, or, as it might be otherwise expressed, of offences against the state or public order. God forbid that we should ever hesitate to give up a murderer because he may have had a political motive in committing or attempting the murder.

On the Same. By the HON. W. B. LAWRENCE, *of Rhode Island, United States, Foreign Corresponding Member of the Association.*

AMONG the papers on this subject, we insert the following extracts from two letters written by the Hon. W. B. LAWRENCE to the Foreign Secretary of the Association, in acknowledgment of the receipt of the list of questions for discussion. Mr. Lawrence's views were stated by Mr. Westlake at the meeting, and we are now happy to lay before our members at length the copious information contained in his letters.

"Ochre Point, Newport, Rhode Island:
"*September* 18*th*, 1866.

"The recent notice of France to terminate her treaty of extradition with England, in connection with the reasons which have rendered it practically inoperative, so far as British rendition is concerned, might, perhaps, justify a discussion of a more searching nature than the third question proposed would seem to invite.

"Though the science of private international law has of late years received great favor with the tribunals of Christendom—'when,' to use the language of the Supreme Court of the United States, 'there is no positive rule, affirming, denying, or restraining the operation of foreign laws, courts establish a comity for such as are not repugnant to the policy or in conflict with the laws of the state from which they derive their organisation'—yet no case has occurred in which one country has given effect to the criminal legislation of another. No text-writer, no state, disputes the rule that all foreigners in a country are subject to its criminal law. May it not be asked if extradition, whether exercised as a matter of international comity or by means of treaties, does not effect, indirectly, what no nation would propose to do by the direct action of its own courts? By delivering up to a foreign government an individual within the jurisdiction of the state making the surrender, whether he be a permanent subject or a temporary resident, this latter state goes still further than admitting the authority of foreign law in its own tribunals. It not only subjects the party charged with an offence to be tried by a system of law which has not received its own sanction, but that law is administered by judges over whom it has no control.

"What is deduced from the Roman law, as implying the obligation of a state to exercise jurisdiction over a person charged with offences in another country, or to remit him to that country, is well shown by Dr. Twiss to have resulted from the imperial supremacy. In either

case, whether the criminal was tried in the place where he was found, or sent back to the place where the crime had been committed, the authority under which the trial or remission took place was one and the same paramount authority. The law applied was also in either case the same.

"The same principle may be recognised in those cases where the English courts have refused to interpose by *habeas corpus*, to prevent persons being sent from England to Ireland or to the colonies to be tried for offences committed there.

"In cases also of confederations or federal unions, especially where, as in Germany and the United States, the general system of criminal law as well as of the organisation of the tribunals is the same, similar considerations, justifying extradition, may exist. In the case of the United States extradition was provided for under the federal constitution, as well in the case of fugitives from labor as of fugitives from justice, though in the former case no previous requisition on the state executive was necessary for the arrest. It was this clause of the constitution, regarding the extradition of slaves (wholly unimportant for the protection of the interests of those intended to be provided for), which was more efficient than any other cause in producing the rupture between the northern and southern states, resulting in the late gigantic civil war.

"In what was recently the Germanic confederacy, no provision for extradition was inserted in the organic code, but a general law existed. The principle, however, would even with the advocates of extradition receive no additional support from a decree of the Diet, which rendered reciprocally obligatory, upon all the states of the confederacy, the surrender of individuals accused of political crimes. The case of Count Teleki, delivered up in 1860 by Saxony to Austria under this law, at the time excited the attention of Europe.

"Not only has the expediency of treaties of extradition been maintained by publicists, but great names are cited to show that, independently of any conventional stipulation, there is an obligation on a state to surrender up persons charged with the commission of criminal offences in another state.

"The force of the authority of Grotius, and of those who support his views, is in no small degree weakened by the cases to which they would apply them, as will appear by a reference to the passage in which the doctrine is expressed. The text, as well as the note, which is by Grotius himself, is especially addressed to state crimes. Burlamaqui follows him implicitly, while Rutherforth applies his reasoning to extradition generally, omitting to state the cases to which Grotius would exclusively confine his rule.

"Vattel, whose enumeration of offences does not extend to those of a political character, seems to have had in view mainly the arrangements subsisting among the Swiss cantons, and which, like the constitutional provisions in the United States, were of an exceptional character.

"The proposition of Chancellor Kent, requiring, in the broadest terms, the extradition of fugitives, is, I find, recognised as indisputable by Dr. Abdy, in his late learned treatise, which, from the extent and ability of his contributions, might well have been issued in his own name. The text of the 'Commentaries' is derived from a case decided by the Chancellor in his court, in the state of New York. His opinion, besides a reference to the publicists to whom I have already alluded, is supported by two cases, where the right of taking persons accused of crime from England to other portions of Her Majesty's dominions was maintained, and by another in Keble, where the court refused to bail a person committed to Newgate on suspicion of a murder in Portugal. In this latter case, what was done with the man is left in doubt, but it certainly does not appear that he was sent out of the country.

"The question, both as to the duty of a nation, independent of treaty, to make a surrender of suspected criminals, as well as the right of the President of the United States, without a law of Congress, to act in the matter, has been frequently a subject of discussion, as has also the question whether the power of extradition could, in any event, on the application of a foreign government, be exercised by the individual states. The decision of Chancellor Kent, in the case referred to, was in favour of such power, and the act of the legislature of New York, passed in 1822, of which a summary is given in Abdy's Kent, was based on it. But, though the case went off on another point, the views expressed by the judges of the supreme court in *Holmes* v. *Jamieson*, decided in 1840, are understood to have settled the matter in the courts of the United States, against the authority of the states as assumed by Chancellor Kent.

"In 1791, the governor of South Carolina applied to the President to demand the surrender of certain persons who had committed crimes in that state and fled to Florida. The report of the Secretary of State, Mr. Jefferson, is founded on what he deemed the law of nations, as recognised by Great Britain. 'England,' he said, 'has no convention with any nation for the surrender of fugitives from justice, and their laws have given no power to their executive to surrender fugitives of any description; they are accordingly constantly refused; and hence England has been the asylum of the Paolis, the la Mottes, the Calonnes—in short, of the most atrocious offenders, as well as of the most innocent victims, who have been able to get there. The laws of the United States, like those of England, receive every fugitive; and no authority has been given to our executive to deliver them up.'

"In 1793, Mr. Jefferson answered an application of M. Genet, the French minister, in the following terms: 'The laws of the country take no notice of crimes committed out of their jurisdiction. The most atrocious offender coming within their pale is received by them as an innocent man, and they have authorised no man to seize or deliver him. The evil of protecting malefactors of every dye is

sensibly felt here, as in other countries; but until a reformation of the criminal codes of most nations, to deliver fugitives from them would be to become their accomplices.'

"Mr. Monroe, Secretary of State, in his instructions, in 1814, to the commissioners for concluding peace with Great Britain, uses similar language. And in 1825, Mr. Clay, Secretary of State, answers the Governor of Vermont that 'the request of the Governor of Canada cannot be complied with under any authority now vested in the executive government of the United States.' The application was for the surrender of two British soldiers, who had committed a robbery on two officers of their regiment.

"But, in that same year (1825), Mr. Clay replied to the British minister at Washington, who had asked his aid in procuring the arrest of a person who had fled from Scotland, charged with forgery, that he would without delay transmit a copy of his note, with the documents, to the Governor of New York, who is most competent to decide whether, consistently with the laws of that state, he can cause to be rendered the requisite assistance to arrest the accused, and deliver him over. He adds: 'I hope that he may find himself justified in giving this proof of a friendly disposition towards His Britannic Majesty's government, and the administration of justice.'

"Referring to this case and to one at Savannah, where the agent of a Scotch bank had obtained without hindrance, and carried back, a person charged with having robbed the bank, I was instructed, in November, 1827, to make an application to the British government to have a teller of a Virginia bank, who after embezzling the funds had escaped to England, delivered up to be returned to the United States. The application was not to be made on the ground of right. 'It addresses itself solely,' said Mr. Clay, 'to the courtesy and discretion of that government, to its sense of justice, and to the interest common to all nations that notorious offenders should not escape with impunity.'

"The return of the culprit, with the police officer sent after him from Virginia, in whatever way effected, occurred before the despatch reached me, and consequently no note was addressed to Lord Dudley on the subject; but on speaking of the affair at the Foreign Office, I was assured that no application for rendition could have been entertained.

"Nor would it seem that any reciprocal concessions were made by the provincial authorities, in return for the facilities accorded by our border states. Lord Aylmer wrote to Governor Marcy of New York, 27th May, 1833, in answer to an application for the surrender of four individuals charged with murder, that 'in the absence of any treaty or legislative enactment on the subject, the attorney-general was of opinion it was not competent to the executive to dispense with the provision in the *habeas corpus* act.'

"A case of extradition, of an exceptional nature, and which it was supposed at the time would have undergone judicial investigation, as well as received a full examination at the hands of Congress, occurred

years that it was in force there was only a single case of extradition, and that was made by the United States on the demand of the British authorities. The execution of the treaty in this case very nearly overturned the administration by whose authority it was made, and raised questions of construction with reference to conventions of this nature which the decisions under the present treaty can scarcely be said to have, as yet, settled. The order of surrender was given by the judge of the district of South Carolina, as is declared on its face, 'at the particular request of the President of the United States.' It also alleges that 'there is sufficient evidence of criminality to justify his apprehension and committal for trial, and justice may be more fully done if the prisoner be tried where the witnesses reside, or their evidence may be better procured.' Affidavits were offered to prove that the prisoner was a native American citizen, and it was also alleged that he was a seaman, illegally impressed on board the British frigate 'Hermione,' where the homicide and mutiny took place in 1797.

"The court considered the question whether the prisoner was an impressed seaman or an American immaterial, as regarded the rendition; and his defence, whatever it might be, was to be made in the tribunals of the country to which he was surrendered. In this case it appears that the prisoner was forthwith, on his surrender, tried by a court-martial, and hung in chains.

"There was no extradition treaty subsequent to the expiration of that of 1794 in force, as respects either England or the United States, till the new treaty between them of 1842. Though a provision as to extradition was included in the treaty of Amiens in 1802 between France, Spain, Holland, and Great Britain, it never went into effect as respects the last power, owing to the short-lived peace. Both the United States and England made treaties with France in 1843, and supplementary articles have given to them a more extended application. Their provisions are not identical; but it is to be remarked that in none of those treaties concluded in 1842-3 is there an exception of citizens of the country from which the extradition is demanded. The rendition of citizens of the country is, however, opposed to the circular of the *garde des sceaux* of the 5th April, 1841. It is there said, extradition does not apply to those who have taken refuge in the territory of their own country. Consequently, France can only demand the extradition of a Frenchman, or of a foreigner who has taken refuge in another country than that to which he belongs.

"The point, excluded in the case which arose under the treaty of 1794, of a matter, which, if established, would avoid the effect of the act charged, has come up repeatedly under the present treaty. The case of the slave Anderson, charged with murder for having killed one of his pursuers, was, after conflicting decisions in the courts of Canada, and an appeal to the Queen's Bench in England, terminated by the intervention of our civil war; but, in repeated instances, acts done under the orders of the Confederate Government

in 1864. A Spanish officer, understood to have used his position as lieutenant-governor of one of the districts of Cuba, in order to seize and sell for his own profit a large number of negroes illegally landed in the island, escaped to New York. There was, confessedly, no treaty of extradition between Spain and the United States, and if there had been any, it is scarcely probable that it would have reached the case. The matter was brought confidentially by the Spanish minister to the notice of the Secretary of State, and on the 15th April the consul at Havana was instructed to inform the captain-general that, if he would send a competent officer to New York, measures would be taken to deliver up to him Arguelles. On the 26th the captain-general sends Mr. Tassan a list of the persons designated to take charge of Arguelles, and on the 19th May he announced to the minister the arrival of his aide-de-camp with the person in question, who was also accompanied by two deputy United States marshals. Mr. Seward, in a report of May 30, 1864, sent to the Senate, declares the extradition to have been made in virtue of the law of nations, and of the constitution of the United States, and adds that 'although it may be conceded that there is no national obligation to make such a surrender upon a demand therefor, unless it is acknowledged by treaty or statute law, yet a nation is never bound to furnish an asylum for dangerous criminals.' He also maintained that the President had, from the nature of the executive office, the power to make the surrender. I shall have occasion to refer in the sequel to the distinction between sending out of the country persons dangerous to the tranquillity of the state itself, and the exercise of a police for the benefit of a foreign power.

"In considering Arguelles' case we should not lose sight of the internal state of the country at the time that it occurred. Though in no wise connected with the contest between the North and South, it is not possible that it would have been tolerated had we not been familiarised to the violation of personal liberty in the case of American citizens, as well as of resident foreigners, by the illegal arrests daily occurring through the suspension of the writ of *habeas corpus*. As an authority it can have no weight against the precedents established by former administrators of the federal government.

"The cases of extradition treaties to which Mr. Ward would refer us carry us back to the twelfth century, but the nature of such treaties, to which England was a party with France, had in view, according to Grotius, the surrender of rebels, to whom Ward applies the common term of outlaws. Coming down to more modern times, it was to political offences that the attention of Charles II. was directed. Extradition of the regicides who might take shelter in that country was stipulated for in the treaty with Denmark of 1660, and the surrender of others was obtained from the United Provinces.

"At the time of the conclusion of the treaty of 1794 between Great Britain and the United States, neither party had any similar conventional arrangements with any nation, and during the twelve

years that it was in force there was only a single case of extradition, and that was made by the United States on the demand of the British authorities. The execution of the treaty in this case very nearly overturned the administration by whose authority it was made, and raised questions of construction with reference to conventions of this nature which the decisions under the present treaty can scarcely be said to have, as yet, settled. The order of surrender was given by the judge of the district of South Carolina, as is declared on its face, 'at the particular request of the President of the United States.' It also alleges that 'there is sufficient evidence of criminality to justify his apprehension and committal for trial, and justice may be more fully done if the prisoner be tried where the witnesses reside, or their evidence may be better procured.' Affidavits were offered to prove that the prisoner was a native American citizen, and it was also alleged that he was a seaman, illegally impressed on board the British frigate 'Hermione,' where the homicide and mutiny took place in 1797.

"The court considered the question whether the prisoner was an impressed seaman or an American immaterial, as regarded the rendition; and his defence, whatever it might be, was to be made in the tribunals of the country to which he was surrendered. In this case it appears that the prisoner was forthwith, on his surrender, tried by a court-martial, and hung in chains.

"There was no extradition treaty subsequent to the expiration of that of 1794 in force, as respects either England or the United States, till the new treaty between them of 1842. Though a provision as to extradition was included in the treaty of Amiens in 1802 between France, Spain, Holland, and Great Britain, it never went into effect as respects the last power, owing to the short-lived peace. Both the United States and England made treaties with France in 1843, and supplementary articles have given to them a more extended application. Their provisions are not identical; but it is to be remarked that in none of those treaties concluded in 1842-3 is there an exception of citizens of the country from which the extradition is demanded. The rendition of citizens of the country is, however, opposed to the circular of the *garde des sceaux* of the 5th April, 1841. It is there said, extradition does not apply to those who have taken refuge in the territory of their own country. Consequently, France can only demand the extradition of a Frenchman, or of a foreigner who has taken refuge in another country than that to which he belongs.

"The point, excluded in the case which arose under the treaty of 1794, of a matter, which, if established, would avoid the effect of the act charged, has come up repeatedly under the present treaty. The case of the slave Anderson, charged with murder for having killed one of his pursuers, was, after conflicting decisions in the courts of Canada, and an appeal to the Queen's Bench in England, terminated by the intervention of our civil war; but, in repeated instances, acts done under the orders of the Confederate Government

were deemed not to be within the extradition treaties. It has been held, moreover, that those treaties do not apply to offences cognisable in the courts of the country to which the application is addressed. Thus, it has been decided that piracy, in the treaty between England and the United States, means statute piracy, and not piracy under the law of nations. It may not be irrelevant to notice, in reference to the criticism on these decisions, that such was also the view taken by Sir G. Cornewall Lewis, writing in 1859, and consequently before the American war.

The rule as to the non-exemption of citizens of the country from extradition has not been followed by the United States in the treaties concluded subsequently to those with England and France. After one treaty with Prussia, negotiated by Mr. Wheaton in 1845, had been rejected by the Senate, in consequence of the restriction, the point was yielded, and in the treaty of 1852 with the German powers, as well as in most of the subsequent ones, a clause is inserted excluding the subjects of the country making the extradition.

So far as regards England and the United States, though as to the former there exists an exceptional provision in the case of murder, there is a reason why the treaty rule should be different from that applied to states of the continent, where, in case of a crime committed abroad, it is cognisable in the country of the accused. And among the objections offered by the United States to the proposed rule, was the difficulty which might, in making the discrimination, grow out of the different views entertained as to the effect of naturalisation.

"England has made but one extradition treaty, that with Denmark of 1862, in addition to those already mentioned. The United States, besides the treaties with the German states, have them with Mexico and most of the states of South America.

"The existing treaties of France with the other countries of Europe are of an earlier date than those now obligatory on England and the United States. Moreover, on the continent, apart from treaties, the laws afford facilities for extradition which do not exist either here or in England.

"It may be remarked that no treaty made by England or the United States includes political crimes, and the views of the English nation, as elicited in the discussions respecting a new law to meet the case of the conspiracies against the life of the Emperor of the French, are a sufficient manifestation of their repugnance to any measure which would restrict the right of asylum. It was, also, strongly urged by England, in the case of the Poles and Hungarians, whose extradition was, in 1849, demanded of the Porte by Russia and Austria, that a surrender for political offences was not consistent with the modern law of nations.

"So far as regards the protection of a state against the intrusion of individuals either offensive to its policy or objectionable on account of danger to its foreign or domestic tranquillity, no treaty with another

power is necessary. It is always competent to a state to expel persons of whom it may for such reasons desire to be relieved. Before the war, some states of the Union where slavery did not exist excluded from their territory, as a police regulation, free coloured men, though they had been recognised, even as citizens, in other states; and in this they were sustained by the supreme court of the United States.

"It was enunciated by Lord Palmerston, in 1853, that the British government has never pretended to provide for the internal safety of other states. The *droit de renvoi* would meet, so far as a state itself is concerned, all that an extradition treaty could accomplish, and would avoid those international difficulties to which an attempt to carry the treaty into effect might give rise.

"Both the United States and England have passed laws in furtherance of these conventions, but no warrant of extradition has ever been granted under the treaty with Great Britain, on the application of France. Indeed, the first British act was so inoperative as to lead to a supplementary treaty in 1852, and to the introduction of a new Bill into parliament. The same unwillingness to permit foreign intervention in our criminal legislation, which interfered with the execution of the first law, prevented the passage of the second Act.

"It seems that in the five years 1854-8, eleven applications were made under the treaty of England with the United States, on behalf of the latter, and that six were granted, all of which occurred, on account of cases of homicide committed in American vessels, on the high seas. In all these instances, it is presumed that no general extradition treaty was necessary to secure the detention of the seamen on board of vessels of their own nation till their return to the United States.

"I have purposely avoided referring to the exceptional cases arising in those Mahometan and Pagan countries where the independent jurisdiction of the Franks is recognised; but it may be remarked that there have been, if there are not now, states of Europe where a foreigner would be no more secure as to the administration of criminal justice than a Frank, without the existing immunities, would be in Turkey.

"Nor are we always sure that these extradition conventions will not be used to effect political objects. Even in the late domestic contest in the United States, the federal government frequently made demands, under the forms of extradition, which, if accorded, would have delivered to them citizens of the seceding states, whose offences, if any, were of a political character, and connected with the pending hostilities.

"In view of all the circumstances, and especially looking to the little practical benefit derived from extradition, compared with the evils to personal liberty which may result from it, I am induced to consider it a serious question, whether the system of the surrender of persons within the jurisdiction of one state, on the demand of another,

either by the intervention of treaty or from comity, should be maintained."

"*September* 25, 1866.

"I had not, when I last wrote, seen the debates in the House of Commons on August 3rd. So far as the details of the Bill were involved, the only importance arose from the fact that, if the principle on which extradition treaties are based is erroneous, the less effective they are the better. I am quite aware that the proposed Act, which I presume has now passed, agrees with ours of 1860, but that does not affect my views respecting it. I have just noticed the reluctance of a United States commissioner to admit, on the authority of the usage of the French courts, written depositions as adequate evidence in a criminal charge, in a case of extradition at New York.

"Only a few years ago we were about putting an end to our consular convention with France, because the consul at San Francisco availed himself of the right to refuse to give his testimony in open court, as inadvertently inserted in the treaty. This was only settled by a renunciation of the privilege for the future. In 1856, the Netherlands minister having declined, as he had a right to do, appearing as a witness in a case of homicide at Washington, and at which he alone was present, his recall was requested. He, with the concurrence of his government, proposed to give his declaration under oath, but the district attorney at once stated that it would not be received in evidence.

"It may be true that, in cases of extradition, it may not be practicable, without sending the witnesses expressly to the country where the arrest is to be made, to confront them with the accused, but demands of extradition have never been numerous; and, certainly, no ordinary inconvenience should be allowed to interfere with those time-honoured principles on which the personal liberty of all within the jurisdiction of England or the United States is understood to depend. The existence of fifty-three treaties which France has with foreign powers—fifty-one of whom have a different system of criminal jurisprudence from that which we have derived from our ancestors—is no argument to affect our legislation, nor is her decree of October 23, 1811, if still in force."

MUNICIPAL LAW.

BANKRUPT LAW.*

On what Principle should a Bankrupt Law be founded? *By* ROBERT WILSON.

THE main object of a bankrupt law is to enable the creditors of an insolvent debtor to administer his estate for payment of his debts. Insolvency is the breach of an implied condition of the tenure of the debtor's property; the event that gives vitality to a general mortgage, incident to the state of indebtedness, but dormant till the fund for payment seems likely to be unequal to the discharge of its total liability. Presumptively, there is a surplus, which carries with it a right of administration; for, the fixed charges being covered, it is only the surplus that can gain or lose by good or bad management. But, to the extent of the debts, the property of the debtor belongs, in truth, to the creditors; and, when proof of insolvency shows an expectation of deficiency, the government ought to pass to the virtual ownership. Appearances, indeed, may be deceptive; the insolvent debtor may retain the confidence of his tradesmen and his business connections; the bankrupt estate may yield more than twenty shillings in the pound. But as the debtor has the ordering of his estate till insolvency is proved, notwithstanding the chance of a deficiency, so the creditors ought to have power to take possession when legal proof of insolvency has been given, notwithstanding the chance of a surplus.

Bankruptcy shifts the insolvent's debts from his person to his property. Before bankruptcy, the debts are several charges upon the person, reaching the property separately and indirectly. After bankruptcy, the debts are portions of a consolidated total of indebtedness, forming the primary interest in the property, and, in general, co-extensive with the proprietorship. By agreement or common misfortune, the creditors, with interests numerous and diverse, have among them acquired all that was their debtor's. They are a partnership or co-proprietorship, such as usually works by the legal personality called incorporation. It follows, I think, that they ought to be incorporated; the welfare of their union requiring that they should have power to hold property, to contract, to sue and be sued, by a common name, and power to govern themselves by meetings.

The Association has propounded, as a question for discussion at Manchester—"On what principle should a bankrupt law be

* For the Discussion, see Summary of the Department.

founded?" That principle, if I mistake not, is the election of the creditors, on proof of insolvency, to transform their several claims upon the debtor's person into a joint ownership of his property, subject only to the duty of accounting with the debtor for any ultimate surplus. Bankruptcy ought, I think, to be an assumption of proprietorship by the creditors, expropriating the debtor, and promising to the debtor, in exchange for his property, a discharge from his debts. An acquisition optional and corporate; or, for brevity, corporate appropriation.

"On what principle should a bankrupt law be founded?" On corporate appropriation: a principle comprising or involving four distinct but connected notions—namely, first the co-proprietorship of the creditors; secondly, its optional acquisition; thirdly, its corporate character; and, fourthly, its substitution for the aggregate of personal claims.

As the bankrupt law now stands, the creditors have little else to do but to look on and see the estate devoured, like the oyster in the fable, by a court and its officials. The Bill of the late government borrowed from the law of Scotland a remedy for this scandal. In effect, though not by name, it accepted the principle of corporate management after adjudication. The order of a court, declaring the debtor to be a bankrupt, was to vest in the creditors the power of administration. At a meeting to be convened by the court when the sentence of bankruptcy should have been pronounced, the creditors were to appoint a trustee, whose duty it should be to wind up the estate, as their paid agent, under their control, and, in legal matters, under the control of a court.

To liberty of management I would add liberty of acquisition. The proprietorship of the creditors ought, I think, to be assumed, not imposed. The court should determine only that, in point of law, the debtor is liable to be made bankrupt; leaving it for the creditors to determine, at a meeting simultaneously convened by the court for the purpose, whether, in point of fact, he is to be made bankrupt or not. A refusal by the creditors to give their sanction to the bankruptcy should, unless judicially reversed, remit the pauper debtor coming to be whitewashed to the burden of personal responsibility. We might abolish what remains of imprisonment for debt (with or without provision of some other penalty instead of it), and yet give to the creditors, as a body, under judicial control, the option of refusing to substitute for their several claims upon the debtor's person, and through his person upon his property, a joint ownership of his property. Acceptance or refusal of the bankruptcy should be the primary business of the first meeting of creditors; and their negative decision, unless reversed on appeal to a court, or by the contrary decision of a later meeting of creditors, should, for some moderate time, say a year, preclude any further resort to any bankruptcy jurisdiction.

In this way, protection might be withheld, year by year, from the debtor's property; not, as the Bill proposed, by stripping him first

and punishing him afterwards, but by refusing to strip the man that is already naked.

Bankruptcy without assets would still be possible; but only if the debtor's explanations should be such as to induce a meeting of his creditors to accept a nominal cession of his property, for the purpose of enabling him to apply afterwards to be discharged from his debts.

Judicial control would ensure regularity of proceeding; and might sometimes, on grounds of equity, annul or modify an arbitrary exercise of legal power; as when the Court of Chancery gives relief to the contractor against an inequitable suspension of the engineer's certificate.

The meeting might be convened either at the instance of a creditor or at the instance of the debtor; for, if bankruptcy were the act of the creditors, and not of the court, there would be no need to deprive the debtor, as the Bill proposed to do, of the power that he now has to initiate the proceedings. On a creditor's petition, there would be proof, judgment, and a sufficient number of advertisements; on the debtor's, a virtual confession, and, besides the advertisements, a circular based on a verified list of creditors filed with the petition.

The creditors having come together, their first business would, as we have seen, be to accept or refuse the bankruptcy. On acceptance, they would determine whether the estate should be got in and distributed in the manner prescribed by the bankrupt law, or in some other manner; whether, to state the distinction more concisely, the liquidation consequent on bankruptcy should be statutory or conventional. It would, for example, be within the competence of a meeting to determine that the estate should be wound up under inspection; to do so, I mean, on obtaining the debtor's consent to dispense with the general law. Yet, to follow that law would be an exceptional resort to official aid, not the normal method of adjusting the relations between the debtor and his creditors. For law is usefully active only where there are legal disagreements, or difficult legal requirements; and men of business need not be taught by Act of Parliament how to wind up an estate.

Here I must pause to settle the question of a name. Between the judicial warrant for the co-operation of the creditors and their choice between the two methods of liquidation, there is to come an assumption of proprietorship, What shall it be called? I have been calling it bankruptcy; meaning by that term expropriation of an insolvent debtor by a meeting of creditors judicially convened.

Self-action being the rule, and legal intervention the exception, the conventional method of liquidation is entitled to take precedence of the statutory method. Precedence in rank, so to say; with which is coincident an immeasurable precedence in value. For statutory liquidation seldom comes into play when there is an estate to divide.

But conventional liquidation has its peculiar difficulty. For the convention is in general made, not with all the creditors, but with a certain large majority of them. The bankrupt law empowers a majority in number, representing three-fourths in value, of creditors

for £10 and upwards, to bind a dissentient or absent minority. Why so? Incorporate the creditors as co-proprietors, and the vote of a meeting might be the utterance of their composite personality. But, while they are independent holders of separate claims, there is no principle that I can see in giving to numbers or amounts, however proportionally large, a power to govern the concerns, distinct though similar, of persons who are not united. If I am merely an individual claimant, I have a right to expect payment of my little bill of £20, though a hundred other creditors, claimants for tens of thousands, be content to take less than what is due to them.

The worst criminal has an impartial hearing; a creditor may be bound, without a hearing, by the compact of relations and friends of the debtor, foisted into the list of creditors.

We have to do with the binding of a minority by an empirical law; a law aiming at a result, but resting on no intelligible principle. Moreover, in the want of a principle of binding is an element of weakness which loosens the bond; the binding being done, as it were, half-heartedly, with a reservation to each member of the minority of an ample facility for unbinding himself. For unbinding himself individually—for taking exception to the arrangement, so far only as it affects himself—and for doing this leisurely, in the course of years, if he thinks fit to wait.

I have been contending that the bankrupt law is faulty, in principle and practice, at the point at which alone it touches conventional liquidation; namely, in the binding of a minority. The practical fault may be seen at a glance by observing how conventional liquidation works.

The debtor may be supposed to have come to an understanding with the body of his creditors, to have executed a deed in their favour, to have procured the required proportion of assents, and, having deposed to this fact, to have registered the deed, and to have obtained, for the protection of his person and property, the usual certificate of registration.

Some ten or twenty creditors, however, as is usual in such cases, stand aloof in the selfish hope of getting more than their share of the estate. These are bound, if the proceedings are regular; but each of them is separately licensed to worry the debtor at discretion till the validity of the arrangement shall have been established against himself. Each dissentient may, at any time between the six or more years prescribed for the limitation of actions, contest the validity of the arrangement by a separate action for the recovery of his claim. He may urge before the court, as matter of law, that the deed of arrangement made behind his back is wrong in form; and the judges, acting as if voluntary cession were "against common right," spell each word for a flaw. Their criticism is commonly successful; something, they say, was put in that ought to have been left out, or something left out that ought to have been put in. Moreover, each dissentient may, by denying that the deed has the required proportion

of assents, go to trial on an issue of fact, wide enough to let in evidence for and against every credit and every debit contained in the account of every creditor, assenting or dissenting. Meanwhile, the unhappy debtor has no means of knowing whether he has made an arrangement with his creditors or not. He may have to defend a dozen heavy law-suits, of interminable duration, all about the same question, or miscellany of questions; and, being told by his advisers that, of three deeds which are tried, scarcely one has a chance of standing, he may decline, as an honest man, to accept—as an uncertificated insolvent he may not easily obtain—assistance for the revival of his business. In short, he may be ruined, and an arrangement beneficial to the creditors may be frustrated, not by proof that the arrangement is illegal, but for want of proof that it is not so.

In the contest between the convention of the body of creditors and the claim of the individual dissentient, a presumption of validity may belong, and must be confined, to one or to the other of the two opposite titles. We might imagine an arrangement so constituted as to hold good unless reversed; but our actual law awards a presumptive right to the opposing creditor, and treats the arrangement as nothing, till established, in the particular contest, by affirmative proof of the fulfilment of the complex conditions of validity.

Now, is it possible, consistently with a due regard to any right that may belong to the adverse claimant, to transfer the presumption of right from the claim to the arrangement? This is possible; for a like transfer of presumption has, without injustice, been accomplished, under like conditions, in statutory liquidation.

Bankruptcy was at first introduced, some three centuries ago, as a sort of private warfare—as a raid of petitioning and accepting creditors on the domains of the debtor, in derogation of his ordinary rights, and to the prejudice also of the rights of dissentient creditors. The inroad might be resisted, not only directly, by proceedings to annul the commission, but also indirectly, at any time within the ordinary period of limitation, by an action at the suit of the debtor to get back his property, and by as many other actions as there were dissentient creditors earnest enough to sue for their several claims.

But modern bankruptcy is something very different from this; binding the debtor, unless promptly contested; and binding dissentient creditors provisionally during its ordinary progress, and finally on the allowance of the certificate. Bankruptcy has undergone a change in some degree similar to that which, in old times, transformed the customs of a tribe into the law of a territory. It has become, in effect, an act of the state, careful, indeed, of private rights, but in the main binding upon everybody. It may be said to have assumed the character of a judgment *in rem*.

Under the modern bankrupt law, the adverse claimant is, in effect, deprived of power to disturb the statutory liquidation otherwise than by a prompt and direct impeachment of the bankruptcy. Under our still more recent law for the winding-up of joint-stock companies,

a like deprivation is immediately consequent on the order or resolution to wind up. In conventional liquidation, immunity from disturbance is wanting, and ought to be supplied.

Of course, each dissentient creditor must have leave to stand up for himself against any attempt on the part of his fellow-creditors to prejudice his rights. But what should be the method of his resistance? Not to lie in wait outside the camp of the majority, for the purpose of hostile entry at some unguarded point; but to take part with his fellow-creditors in the exercise of a common, indivisible, corporate ownership. If bankruptcy is a change of property from the debtor to the creditors, the multiform character of the new proprietorship necessitates a power to govern by majorities. A power subject to judicial control; but, except as controlled, implicating each member, though dissentient, of the governing body, in the competent acts of those majorities.

If conventional liquidation ought to be the normal consequence of bankruptcy, the binding of a minority—the question why to bind, how to bind, and how to make the binding manifest—is the essence of the bankrupt law. To that subject, accordingly, I have been giving a chief share of attention. My remarks on it may be summed-up in three propositions namely (1) the convention, unless promptly contested, should be final; (2) finality should be the maturity of presumptive validity; (3) the presumption should be an incident of incorporation.

The resolution accepting the bankruptcy would, on registration, incorporate the creditors by the name of "The creditors of so-and-so," naming the bankrupt person or firm.

It would also be a judgment *in rem;* conclusive on the debtor, the creditors, and all other persons, unless reversed by a court, on application made by the debtor, or by a creditor or creditors, within a fixed and moderate period.

Acceptance of conventional liquidation, in place of statutory liquidation, by the same or by a subsequent meeting, would, unless reversed in like manner, be alike conclusive.

The court empowered to reverse ought rather to correct errors and supply deficiencies. Let us cease to look on statutory liquidation as the proper fate of insolvency, and on conventional liquidation as intrusive, and arrangements of creditors will be regulated by a supervision as gentle and considerate as is that which the Court of Chancery gives to schemes of charity, and the courts generally to awards.

Not that the resolution of one bare majority must for all purposes be sufficient. Let acceptance of the bankruptcy be carried or negatived by a majority in value alone; but anything out of the common rulef—or example, an inspection—should, like the special resolution of a joint-stock company, be dependent on the sanction of some large majority, such as a majority in number and three-fourths in value: and perhaps it might not be amiss, following the same precedent, to require confirmation of the resolution, at a second meeting, by a mere

majority in number and value. A single majority in number and value, perhaps a majority in value alone, ought, on principle, I think, to be enough for any purpose of administration; but lest the insolvent's friends should pack a meeting, it would be prudent to require, for any special purpose, an excess of majority large enough to eliminate the disturbing element of sinister interest.

The power of the creditors, as a corporate body, to get in the estate, and to convert it into money, must, on principle, include an unlimited discretion as to the mode of sale. Whether that discretion should be intrusted to a majority in value, or number and value, simply, or to a majority representing a larger proportion of value—whether the resolution of the prescribed majority should take effect immediately, or should need confirmation at a second meeting—these are questions to be determined on an estimate of the average extent by which friendship for the insolvent diverts the votes of the creditors from the common interest, and on an estimate of the risk of surprise. But to some sort of majority, to a resolution single or double, should be conceded an unrestricted authority to offer the estate for sale in the best market, and on terms the most likely to be acceptable. There should be power to sell on credit; power, therefore, to sell to the insolvent or his friends for a composition on the debts. This power the law now gives, but the Bill proposed to take away.

Why prevent a composition, if the parties choose to make it. Because choice is incomplete without unanimity? The fact is not so where the subject affected is a corporate ownership, and not a schedule of debts.

Connected with administration and composition, yet in part distinct from them, is the debtor's acquittance.

To the creditors the power to give acquittance is valuable, as a commodity that may be bartered for an increase of composition, or for assistance in winding up the estate. And the debtor who is adversely expropriated is entitled to expect that an acquittance should, on the fulfilment of his duties under the bankrupt law, be awarded to him judicially by the creditors themselves, or by a court, unless cause should be shown to the contrary.

The Bill proposed to withhold both the conventional and the judicial acquittance, unless the estate should have yielded six-and-eightpence in the pound.

Discretion and discrimination were alike to merge in a pecuniary test of innocence. Imprisonment for debt was to cease; but whoever should not pay six-and-eightpence in the pound was to be coerced for six years. The man who should have the ill-luck to be robbed was to be a citizen or an outlaw, according to the extent of the robbery. From debts contracted under limited liability, even the dishonest debtor might escape, on giving up so much of his property as his debts could reach; yet the debtor without limit—it is my friend Mr. Hawes who has suggested to me this contrast—the debtor without limit, although he were altogether blameless, the victim, perhaps, of fraud or misfortune, cheered on to new exertions by the respect

and sympathy of his creditors—such a man, when stripped of everything, was to remain a debtor still, condemned to inaction and starvation, huddled up with the spendthrift and the swindler in the indiscriminate penalty of a merciless law. Alas for bankruptcy reform, if this is a specimen of it! We have learned from Mr. Buckle that right and wrong are things of small account, and that intellect is the single motive force of human progress: Mr. Moffatt's later inspiration teaches, that the third part of a pound sterling is the measure of honesty and justice.

We might give to the creditors, on a principle recognised by the law of Scotland, a power over the acquittance, considerable at first, but becoming less and less as time elapses. For some moderate time, say for six months from the date of the bankruptcy, we might require, in favour of the acquittance, a majority equal to that required for a special arrangement; and, quarter by quarter, diminish the requisite majority, till, in two years or so, the power to give acquittance should lapse entirely to a court. I do not lay much stress on particular periods of time, or proportions of votes: what I contend for, in the matter of acquittance as in other things, is the principle of corporate action, at a meeting, or at successive meetings, as opposed to the collection of separate votes or assents by canvassing individual creditors out of doors.

The creditors ought to act judicially; but would they? At a meeting, I think they would; their jurisdiction would be a rough sort of jury trial.

At anyrate, the dose of punishment of which they had the dispensing would be, comparatively, a mild corrective. Positive crime would be left to the criminal law; but there are minor shades of criminality more fit to be punished by the censure of a man's fellows than by the formal decision of a judge. We may, if we please, call the power to censure a debtor by delaying his acquittance an exception from the civil right of acquittance; I prefer to call it a limited summary jurisdiction in the separate department of crime.

What a bankrupt law ought to do is to continue, after insolvency, under the ownership of many, the management which, before insolvency, existed under the ownership of one. In order to continue the management, we must, in a manner, reproduce the unity, by giving to the creditors the means of acting together. These are at present almost wholly wanting; the Bill would have supplied them, for administrative purposes, in statutory liquidation. It has been my object, in this paper, to show how the supply might be rendered in fuller measure, in connexion with liquidation statutory or conventional, not for administration only, but also, earlier and later, for acceptance of the bankruptcy, and for acquittance of the bankrupt.

Bankruptcy commissioners are judicial managers, whose occupation would be gone if management should cease to be judicial. Bankrupt law, properly so called, might then be administered by the County Courts; or rather—as my friend Mr. Hastings has, with good reason, suggested—by one stationary County Court in the chief town of each

county; and by the Court of Chancery, always excellent in its principles, and now rapid in its movements, as a Court of original and appellate jurisdiction. The Court of Chancery, already the superior Court of Bankruptcy, has jurisdiction likewise in the winding-up of estates of deceased persons, and of joint-stock companies. Its several functions, in matters of insolvency, might be, to a great extent, assimilated; and its existing practice might be enlarged for the reception of an extended jurisdiction in the winding-up of estates of living persons. Insolvency might be a province of equity, till law and equity shall blend into one comprehensive code of the rules and principles of civil justice.

The Court of Bankruptcy: is it to be abolished or retained?

By WILLIAM HAWES, F.G.S.

IN again calling the attention of the Society to our laws of debtor and creditor, especially in relation to bankruptcy, I propose to consider the subject entirely from a commercial point of view.

All will admit that, from some cause or other, the administration of the law by the Court of Bankruptcy does not produce results satisfactory to the commercial community, and that it requires immediate improvement.

It does not quickly or economically realise the assets of insolvent traders. It does not check commercial frauds, or punish them when exposed. It does not in its procedure discriminate between *misfortune* and *fraud*. It does not meet the exigencies of modern commerce, in its relation to limited liability companies or to insolvent chartered companies. But it interposes most unnecessary obstacles in the way of the distribution of the funds placed under its control, in the general management of estates, and in their final settlement.

It causes a most extravagant waste of creditors' property, and injures the character of debtors, by the charges and losses it inflicts upon them in their progress through the Court, thereby reducing the fund belonging to their creditors, and seriously affecting their future prospects.

It offers great facilities for the concealment of fraud, and withholds from creditors that control of their property which is required for its most advantageous realisation and speedy distribution.

The object, then, of this paper is to suggest such alterations in the administration of the law of bankruptcy as will remove the objections now almost universally entertained respecting it, and to submit for consideration a procedure which it is hoped will equally protect the interests of creditors and debtors.

It is of great importance that this question should now receive the fullest investigation, for a new Bankruptcy Bill would, in all proba-

bility, have been passed in the last session of parliament but for the unexpected change which took place in the government, and which Bill, whilst it would have removed many defects in the existing law, would have retained the Court of Bankruptcy, with its expensive machinery and tedious procedure, which have proved to be injurious to the public. In order, then, to assist in arriving at a sound judgment upon the alterations I venture to suggest should be made in the administration of our law of debtor and creditor, I must briefly notice the changes which have been sanctioned by the legislature during the last few years in the relations between creditors and their debtors: (1) by the abolition of the tyrannous pressure of arrest on mesne process, which, when resorted to, deprived the main body of creditors, often through the vindictiveness of one, of the services of the debtor when they were most required for the benefit of his estate; (2) by the establishment of county courts, in which nearly 1,000,000 of plaints, involving sums from £50 downwards, and amounting in the aggregate to little short of £2,000,000 sterling, are heard annually; (3) by the suppression of antiquated forms, and the removal of technical and artificial obstructions to the progress of suits in the superior courts, that formerly so choked the avenues of justice that the approach was practically denied; (4) by improvements in the law of partnership, including the introduction of limited liability; (5) by widening the area from which evidence may be collected, and by means of which creditors can give evidence in their own causes; (6) by the abolition of the Insolvent Court, and of the distinction between traders and non-traders.

The effect of these improvements, and of the increased facilities afforded by railways and electric telegraphs to debtors and creditors for communicating rapidly one with the other, has been most beneficial to trade. Dishonest debtors now seldom appeal to law, as was frequently the case in former times, to delay, or to defeat by special pleas, the payment of a debt; and creditors can so easily and so quickly sue their debtors for payment in the ordinary tribunals, that courts for the exclusive purpose of managing the affairs of debtors and creditors appear to have become useless to trade and commerce. Indeed, the creditor now only needs legal assistance when his insolvent debtor refuses to give compulsory power over his property, whereby his affairs may be inquired into, and immediate measures taken for the security and the subsequent equal division of the assets among his creditors.

The mode in which this aid may be given, and the authority by whom the first steps should be taken, form the subject of this paper.

The question, therefore, for consideration is, whether a special court for the settlement of the affairs of insolvent debtors is necessary in the interest of creditors or debtors?

I contend that no such court is required, and that its existence, unless proved to be beneficial, must be injurious to trade.

The Court of Bankruptcy appears to me to rest on unsound principles. First, it assumes that, through its officers, it can administer

insolvent estates better than the parties interested can do—the creditors and the debtors; it therefore entirely deprives them, if not of all power of action, of so much, that their interest in the realisation is so weakened, and their inducement to exert themselves beneficially to influence the administration is so neutralised, that practically the entire duty of administering bankrupts' estates devolves upon the court and its officers.

Now, no solvent trader, retiring from business, would ask a court to collect his debts, and settle differences existing between him and his debtors and creditors, or to collect his good debts while in business; why, then, should a Court be maintained to perform this duty for traders in respect of debts due from their insolvent customers?

To relieve creditors, by the compulsory action of a Court of Bankruptcy, from the duty of carefully watching the settlement of the estates of insolvent debtors, is to prevent their acquiring experience in one of the most important departments of business. It deprives them of the opportunity of inquiring into the causes of each insolvency—of tracing the steps by which it has arisen—of benefiting by the experience or imprudence of others engaged in their own trade. Were all insolvencies wound-up by creditors, or by trustees appointed by them, thoroughly cognisant of the risks and details of each business, not only would a vast amount of information be utilised which is now lost, but traders who pass through the Court of Bankruptcy with scarcely a remark would either be precluded from too easily re-entering into business, and again running the downward career which has been fatal to so many, or they would, from the evidence of their integrity furnished to their creditors in the course of the inquiry into their affairs, receive support which would ensure future success.

And, further, the Court treats debt as a crime, and therefore, by its first steps, denuding the debtor of all his property, and, treating him as entirely unworthy of trust, sells it off, generally by public auction, without any regard to his interest. It obliges him to pass through forms destructive of all self-esteem—for honest and dishonest are treated alike by the Court of Bankruptcy—and, whatever may be the opinion of his conduct or of his means to pay his debts, it releases him from his liability to pay them, publicly stigmatised as a bankrupt trader paying a small dividend, the smallness of which has to a great extent been caused by the heavy charges of the Court, and from the estate being realised under its direction in a manner most prejudicial to the interests of the debtor as well as to those of the creditors. Everything that can be done to lessen the probability of a trader's re-establishment in trade, after passing through the Court, appears to be carefully attended to, and the result of the operation of this vicious and unjust system appears so obnoxious to the public that nearly all insolvent estates of importance—especially those in which imprudence and error of judgment are the greatest faults which can be attributed to the partners—are carefully kept out of Court, as well to protect the property as to relieve the debtor

from the stigma which must attach to him for years after he has passed through the unjust ordeal.

But if the Court of Bankruptcy does not fulfil the duties for which it was originally established, it is so entirely unsuited to meet the progressive wants of trade and commerce that insolvent trading companies, recently formed under the Limited Liability Act of 1862, and chartered companies, are excluded from its jurisdiction, and are wound-up in the Court of Chancery; and not only are they so excluded, but the principles which govern the liquidation of such companies are as directly opposed to those which regulate the proceedings in bankruptcy as the reputation of the Courts, and the learning of the judges presiding over them, are superior one to the other.

The Court of Bankruptcy assumes the entire management of the bankrupt's estate, collects his debts, decides all questions of law and custom of trade, and releases the debtor from his liability to his creditors, not because he has done his utmost to assist in winding-up his estate for the benefit of his creditors, but because he has complied with certain statutory conditions.

The Court of Chancery only superintends the administration of the estate of an insolvent company. It hears objections to, and, if satisfied, sanctions the appointment of liquidators selected by the shareholders or parties interested in the collection and distribution of the company's assets; indeed, where there are ample assets and no differences among the shareholders or creditors, the Act provides for a voluntary liquidation without any interference by the Court.

The entire spirit of the administration of estates of limited or chartered partnerships in Chancery is to leave the realisation of the estate to proper persons selected by the parties interested, the creditors and shareholders, and approved by the Court. Why entirely different principles of liquidation should be applied to partnerships trading under limited liability, which have only recently been known to the law, from those trading under unlimited liability, it is difficult to understand.

In a few years, in all probability, the change which is taking place in mercantile partnerships, large and small, by converting them into limited liability companies, will leave to the Court of Bankruptcy those cases only which were till recently exclusively wound-up in the Insolvent Court; and it will become a Court, not for traders in the commercial sense, but for those who belong to no class, whose estates are almost too insignificant to be noticed by the public.

If, then, it be not abolished, it will become an inferior court, maintained at an extravagant expense for the work done, and will continue in existence only so long as it can escape the exposure of its uselessness.

The more this question is considered, the more satisfied, I think, the public will become that a Court of Bankruptcy is no longer required; and that all the legal action that is necessary to ensure the proper distribution of the assets of insolvent debtors' estates may

be satisfactorily performed by the County Court judges, who, on the application of creditors, supported by sufficient evidence, should have authority to grant a peremptory order for the attendance of a debtor, and, if the debtor have no just defence to the claim made against him, or does not obey the summons, then to call a meeting of such debtor's creditors, for the purpose of appointing trustees for the management of his estate; or, on the application of a debtor, the County Court judge should, upon receiving from him an undertaking to call, within an early fixed date, a meeting of his creditors, and lodging with the Court a list of his creditors and the amount he is indebted to each, grant to such debtor protection for his person till a meeting of creditors can be held and trustees appointed for the management of the estate, and then such further protection as may be approved by the meeting or the trustees.

The legal forms required to secure the proper issue of the notices to creditors, and to coerce an obstructive or absent debtor, and for the subsequent management of the estate, are not for me to suggest. The principle of giving bankruptcy adjudication to the County Court judges has already been admitted, but their authority originates under, and is controlled by, the Bankruptcy Act of 1861, by which the estate at once vests in the Court, and it is to this procedure, as opposed to that of management by trustees elected by the creditors, that I am endeavouring to call public attention.

The advantages offered to men of business from the limitation of their pecuniary liability, and by relieving them from responsibility, either personal or social, if they lose all the capital entrusted to their management in a limited company, and incur debt beyond that capital, for the payment of which no provision is made (and into the cause of such debt being incurred there is no public inquiry), must, ere long, if the present law and Court of Bankruptcy be retained, convert every partnership into a limited company; for who, with unlimited liability and subject to the bankrupt laws, can compete successfully with rivals trading under such superior conditions?

And the argument in favour of converting private partnerships into small limited liability companies will be infinitely stronger if the unwise provision of the late Attorney-General's Bill, requiring the payment of a minimum dividend of 6s. 8d. in the pound before a debtor can obtain a release from his liabilities, becomes law, for all experience shows that it is rare for insolvent estates wound-up in bankruptcy to realise that sum, after paying the enormous expenses in bankruptcy, and bearing the ruinous loss caused by the peremptory sale by auction of stock, property, fixtures, &c., &c., as bankrupt's effects, as well as the destruction of good-will, and the loss of interest on money paid into Court—all severe sources of loss, moderately estimated at 50 per cent. on the value of a working business, but which would be more or less avoided were estates liquidated by the parties interested in the realisation of the assets.

Looking, then, at the law of debtor and creditor as it is now administered, having *one court* and one procedure for one class of

traders, who, when obliged to submit to its jurisdiction, are subject to much public opprobrium, to severe loss and great personal inconvenience, and, under certain circumstances, to heavy penalties, and who can only obtain a discharge from it by giving up all their property for peremptory realisation by officers having no interest in the estate, and *another court* accessible only to a special class of traders, who, though equally in debt, and whose misconduct equally requires exposure and public condemnation, can obtain relief from their debts without public opprobrium or any personal inconvenience, can any one hesitate a moment in arriving at the conclusion that such anomalies ought to be removed, and that a vigorous effort should be made to provide an uniform law and procedure applicable to all traders and trading companies and non-traders, rather than to attempt, as the Attorney-General did in his Bill of last year, to maintain a court and a course of procedure which are universally condemned as unsuitable to the present and constantly-changing demands of commerce at home and abroad?

All that traders require to enable them to arrange with their insolvent debtors is a simple, ready, and inexpensive mode of obliging debtors to surrender their property, and for enabling creditors to meet to elect trustees to collect and distribute their debtor's property, and to give legal authority to the resolutions of such meetings.

To initiate and to direct the first proceedings for this purpose the County Court judges are eminently suited. They hold courts all over the country, are always on the spot to receive applications, either by creditors for the summons of debtors, or from debtors to summons creditors, and also to direct responsible officers to take interim possession of property before a meeting of creditors can be held and trustees appointed.

These steps being taken, the entire management of the estate should vest in the trustees, subject to such rules for proper accounting for, and the security of, receipts and the speedy and proper administration of the estate as the County Court judge may, on the application of the creditors or debtors, deem requisite for their mutual protection. But to enable this system, cheap and inexpensive as it would necessarily be, to act beneficially, two principles must be conceded, and legislation introduced to settle them conclusively.

The first is that dissentient creditors shall be bound by the decision of a majority; and the second that the release of a debtor from his liabilities shall exclusively vest in a majority in number and value of his creditors.

I am aware of the arguments used in opposition to the application of these principles, and in support of the assumption that no majority has a right to deprive a minority, or even a single creditor, of his right to his share of the entire property of his debtor, or to release the debtor from his liability; but those who support this view of creditor's rights ought to advocate the repeal of the present law of

Bankruptcy, for under it the debtor can obtain his release, whatever may be the opinion of his creditors.

There is one point of view from which a debtor's position may be considered that is too often overlooked, viz., the too great facility with which much credit is given, and whereby he is led into transactions that, in the event of any unforseen pressure, prove too much for his capital; and it is to be feared that those who frequently in the first instance encourage debtors to trade beyond their means are the most persistent in the use of unfair means to coerce them to give undue preferences. The law ought, if possible, to prevent the possibility of such proceedings, and this would be accomplished if certain fixed majorities of creditors, at meetings duly convened, determined all questions arising in the administration of insolvent estates.

I need not here adduce reasons in justification of the principle of government by majorities—they are of universal application. Why, then, should a minority, even of one, have the power to control the proceedings of all the other creditors, and keep a debtor for an almost unlimited period in uncertainty as to his future course in life? and, further, why should each member of a minority be able, one after the other, to institute proceedings till a debtor is driven, at all hazards, to give unfair preferences, dependent for their realisation mostly on his future success, and which success is thus mortgaged almost beyond redemption? In fact, this indirect power of creditors—only used by an unscrupulous minority—is the source of a large amount of misery and ultimate misfortune, the cause of which cannot be revealed.

I do not, however, wish it to be supposed that I advocate the determination of all questions at meetings of creditors by a bare majority, or by the same numerical majority in all cases. In particular, I think, that at meetings of creditors convened for the consideration of the discharge of the debtor, the majority should be large in value, such majority decreasing as time progresses.

But it may be said the Court of Bankruptcy has other duties than those of collecting and distributing debts. Theoretically, no doubt it has, but one of the main grounds upon which I urge the discontinuance of a separate court is, that it has never performed these duties, and that year by year the appeals from its decisions on points of law have increased, till at length the decisions of the Commissioners of Bankruptcy have become merely the stepping-stones for appeals to higher tribunals. The proceedings in bankruptcy being conducted in a public court, has also been thought of importance, as tending, by the exposure of bad and fraudulent trading, to commercial morality; but in this respect the operation of the law has been singularly ineffective; first, because nearly all interested in important estates carefully avoid the court, and wind them up without reference to it; and, secondly, because the court never has attempted to exercise a careful judicial control over the conduct of insolvents. It has never administered justice between the debtor, his creditors, and the public. The consequence is, its proceedings are rarely reported, and when reported are of little interest to the public.

In fact, the greater portion of the law of bankruptcy is not required for the benefit of the creditor or the debtor, but to give effect to the law itself, to fix the duties of its numerous officers, and to oblige appellants to proceed in conformity with its provisions. If, then, the administration of the bankrupt law, since the improvements which have taken place in our commercial legislation and in other branches of the law, no longer demands a separate court, there can be little doubt that the highly remunerated offices established under it, and the forms required to comply with its rules and regulations, became a sad hindrance to trade, and a source of costly and useless expense to debtors and creditors.

Many even now consider that a bankrupt law is required to punish fraudulent debtors; and, judging by the prominence of the penal clauses in all our Acts relating to bankruptcy, this has been one of the great objects of the law. But if there be any portion of it which has more signally failed than another, it is the attempt to combine the punishment of insolvency with the collection and distribution of insolvents' assets.

The principle is wrong—the mode in which it has been carried out is as bad as the principle is wrong; and the result of this long persistence in an erroneous course is now found in the desire of many to remove every remaining restraint upon the debtor's person by the entire abolition of imprisonment for debt on final process, and substituting for it a punishment, to be administered indiscriminately, which is more severe than any debtor could be subject to under the present law, and infinitely more unjust than anything which has been proposed in our bankruptcy legislation for the last fifty years.

The limit necessarily assigned to the time to be occupied in reading each paper prevents my indicating the details by which the first proceedings relating to meetings of creditors, the election of trustees, the mode of voting, the reception of proofs of debts, should be regulated; and I have also abstained, as out of my province, from suggesting the alterations which would be required in our law of debtor and creditor if the Court of Bankruptcy were abolished; but I have endeavoured to show that the gradual improvement of our laws relating to imprisonment for debt, to partnerships, to procedure, and by the general adoption, wherever practicable, of deeds of assignment and composition in lieu of proceedings in bankruptcy, have so reduced and altered the character of the legal and commercial business of the Court, that there is not now sufficient to occupy the time or the mind of a judge of high legal acquirements, or to employ the staff of an independent Court; and it will be admitted that a Court with little business, of one class only, and that of a very secondary character, will never command public respect; indeed, were evidence of this required, it would be found in the gradual decline in the authority and usefulness of the existing Court of Bankruptcy, established little more than thirty years ago, with a chief and three assistant judges, and an ample executive staff, the duties of nearly all of whom are abolished or are proposed to be abolished.

It is, then, manifestly for the interest of trade, and essential to the administration of justice, that all matters of contention arising out of the insolvency of limited or unlimited partnerships should be heard in the first instance by the Court of Chancery, the County Courts, or the Criminal Courts, as the circumstances of the case may require.

This business being taken from the Court of Bankruptcy, the maintenance of a central court in London, and subsidiary courts in the country, could no longer be justified; and restricting, as I propose, the interference of the County Court judges to the initiation and regulation of the first proceedings in insolvency, and to affording protection to the person of the debtor, leaving the subsequent management, the collection and distribution of assets, the discharge of debtors, and the final settlement of the estates, to the creditors acting through trustees elected by themselves, but approved by the Court, there could, I think, be no difficulty in securing their adequate performance.

Convinced, then, that everything which is required for the economical and just administration of insolvent estates can be better done without the Court of Bankruptcy than under its control; looking at the unavoidable delays, expenses, and uncertainties which attend its procedure; considering, also, the injurious effect which follows the removal of the responsibility of winding-up insolvent estates from men of business immediately interested in their most economical settlement to the officers of a public court, and also to the bad effect produced upon trade—indeed upon the community at large—by the operation of a law which by statute relieves debtors from their liabilities to creditors, and teaches insolvent traders to look to it, and not to their creditors, for protection from the natural and certain results of over-trading, of improper speculation, of undue credit, and even from fraud, I cannot see any sufficient ground for maintaining the present Court of Bankruptcy, when other more efficient means can be found to obviate all the important objections to the existing law and practice.

CODIFICATION OF LAW.*

On the Expediency of Digesting and Assimilating the Laws of England, Scotland, and Ireland. *By* J. F. MACQUEEN, Q.C.

THIRTY-EIGHT years ago, the most useful and the most productive of all orations was delivered in the House of Commons by our illustrious President;† an oration remarkable for the multitude of

* For the Discussion, see Summary of the Department.
† Lord Brougham.

ts suggestions and for the singular fact that almost all of them have een carried out, or are now in the progress of accomplishment.

Instigated by the profound sensation which that speech created, he Government issued two Royal Commissions for three distinct urposes: to consider and report upon the laws of real property; o consider and report upon the laws respecting crimes; and to onsider and report upon the public statutes of the realm.

These commissions an dthe proceedings had under them have left holly untouched the bulk of what we technically call the unwritten ivil law of England; that law (the most interesting of any) which, overning our civil and our political rights, is evidenced partly by sage and partly by text-books, but mainly by the reported decisions f our superior tribunals, dispersed, as we are told, over 1,200 olumes.

The question is, can the valuable ore be extracted from these epositories, and can it be presented to the country in the form of a ocket volume, similar to the Code Napoleon? I am humbly of pinion that it cannot. But I readily admit the great advantages of odes, where they are practicable. Many persons in this country eride them, and say they have proved failures. But those who live nder them, those who best know them, give a different account; and e have the strongest testimony in their favour delivered by eminent rists, writing, not from theory, but from long practical observation. ccordingly, it is, we believe, a fact that of the several nations that ave codified, not one has turned back, or repented. Strange as it ay seem to the English lawyer, they all prefer order to confusion, nd they all agree that laws are better in a single volume than in a housand.

What higher attestation can be desired than that of M. Dupin, who peaks of the Code Napoleon, not with approbation merely, but with ervour? He says: "The civil code is the first and best of all. It is lear and methodical; neither too long nor too short; the language f the legislature is noble and pure; the rules are well laid down. he code of civil procedure has simplified the forms and diminished he expense of law-suits. The commercial code is also generally steemed. The code of criminal procedure and the penal code are he last, and are those to which the greatest objections have been aised. Despotism dictated them. In many instances state policy as made them her instrument, and liberty has suffered accordingly. heir revision has therefore been demanded. But all these codes, uch as they are, have been productive of the greatest benefit; they ave delivered us from the chaos of our ancient law."

Notwithstanding the example of foreign states and of despotic overnments, the predominating sentiment of this country is against odes. The reason is obvious. Codes imply organic change; hange effected by the legislation of a board, as the *Conseil d'Etat.* hat is sought, therefore, is a digest to pourtray the law as it stands, etting forth its merits and its defects, so that the people for whom

it is made may behold it with their own eyes, and judge of it and deal with it as to them may seem expedient.

When the Queen's Judges resisted in 1856 the proposed code of criminal law, they said not a word against a digest. And now we have the express declaration of one who has evinced great power in this discussion, that what he desires to see established is properly a digest, and not a code—a digest having, Sir James Wilde remarks, these advantages:—that "it admits of gradual formation;" that it "may be worked out piecemeal;" and that "it displaces nothing."

In the face of these and many other authorities, it is not very likely that any government of this country will adventure upon a code. But that we shall some day have a digest, seems within the scope of probability. Four years ago, Lord Chancellor Westbury charged the individual who has now the honour of addressing you with the consideration of this subject, and the inquiries incident to it. His lordship's powerful representation to the House of Lords followed in June, 1863. Much reflection and many conferences ensued. Hence my reason and my apology for troubling you with this paper.

The things chiefly needed in English jurisprudence are order and delineation; to be followed by legislative improvements.

What is proposed, therefore, is to eliminate the settled living law; to digest and arrange it; to publish it by instalments; to correct it periodically; and, in the words of Bacon, to prepare and propound to parliament the required alterations.

The task will be much facilitated by the consolidation of the statutes which has already taken place. The chief difficulty will arise from the reported cases; these will demand the most careful scrutiny and the most profound consideration. Voluminous, confused, and perplexing as they are, they yet secure one conspicuous advantage. They sanction a wholesome discretion, and even a large licence, in the administration of justice; for by their ever-varying circumstantial details, they furnish precedents and supply resemblances, which enable the judges to resolve satisfactorily the most novel and startling combinations. Hence in this country it is usual to say that every wrong has a remedy; and every right a vindication. To sustain intact the characteristic expansive energy which produces these results, will be a constant aim of the digest. But, it may be asked, in what manner can we preserve, under a didactic exposition, the indispensable elasticity? Let us see how the French go to work. When their code is express, they look at nothing else. When it is silent, or when it fails, they resort to the anterior jurisprudence. They have a clause for this purpose. So with ourselves, when a statute is in point, it governs the decision. But, as Lord Mansfield observed, no legislative enactment "can take in all the cases." Therefore, the courts go often "on rules which," his lordship tells us, "are drawn pure from the fountains of justice." To this well-known practice of our tribunals the digest will be auxiliary and subservient. Its delineations and its definitions will be verified by references, so that the text and the authorities may be compared and construed together.

What is contemplated will be, in fact, a help and a relief, but not an imperative director; for, although likely to prove of incalculable assistance to the judges, they must not repose on it, or forget their first duty, which is to decide conformably to the law of the land, wherever that law may be found. Its all-sufficiency will thus remain undisturbed; its power of conjuring up analogies will continue; its faculty of adaptation will be the same as ever. The judges will still resolve unforeseen questions precisely as they resolve them now—by the application of those rules which are frequently unknown until they see cause to disclose them.

By the course here indicated, the difficulties, the delays, and the perils of direct codification will be avoided.

But we are not to suppose that the digest is to continue always without authority. On the contrary, in the fulness of time, after it has been repeatedly revised and corrected; after the judges and the profession have again and again tested it in practice; after criticism and experience have established its sufficiency; and finally, after it has become familiar to the people, as the safe and ready exponent of their rights and their duties, it will doubtless receive, as it will assuredly deserve, a definitive sanction from parliament. In other words, it will become a code, "the work of the people themselves;" * but even then it will not absorb, or profess to absorb, the law, except in so far as *posteriora derogant prioribus.*

The proposed digest ought not to be confined to England. It should embrace Scotland. The work must be concurrent. A contemporaneous exposition of the laws of both countries, by presenting differences and resemblances, will give rise to the most useful of all criticisms—that of contrast and comparison. As a whole, the Scotch law is excellent. So is the English law; but each has defects from which the other is free. And even if injury were not felt, uniformity would surely be desirable rather than discordance.

Precious as the law of England is, many find fault with it. What does Sir Samuel Romilly say? He, first of all, dilates on the evils of an unwritten law generally. He then says of the law of England, that it is often uncertain, arbitrary, capricious, absurd, and contradictory; he says that much of it is built upon analogies, metaphors, and fictions; he says that, in a large measure, it is the progeny of ill-considered dicta, never meant for promulgation, though carefully reported; he tells us that its chief architects, the judges, are precluded from proceeding upon principles of utility, or enlarged jurisprudence; and he notices a circumstance well deserving of attention—namely, that certain parts of English law, though usually deemed obsolete, prove occasionally mischievous and sometimes fatal. Hence Lord Brougham's happy simile of the dormant snake which awakes and turns upon us when we are least prepared for it.

Such are the selected characteristics of a system deemed by some so sacred, but of which, perhaps, a good moiety is ripe for abrogation

* Portalis.

upon principles recognised by Coke, by Blackstone, and by Tenterden —for these have all declared that what is contrary to reason cannot be law.

Now, with respect to the laws of Scotland, Lord Bacon noticed "how near," as he expressed it, "they came to our own." That they were originally identical seems probable, for it is still an unresolved question whether the Scotch institutions were borrowed from Glanville or Glanville's from the Scotch. The jurisprudence of each continues, in a great measure, still the same, but with puzzling variances, chiefly in feudalities, in forms, and in jargon. The Scotch procedure, undoubtedly, is tedious, circuitous, and costly. This was well shown, two years ago, by the letters of a Scotch magistrate in the *Times* newspaper.

At the union in 1707, each country retained its own laws, with this exception: that the Scotch law of treason was abolished, and the English law of treason substituted in lieu of it, on the principle that "rules of public right should be the same throughout the United Kingdom." The blessings of the English constitution, however, were not extended to Scotland. The Scotch consequently have no Magna Charta, no Bill of Rights, no Habeas Corpus. They have, indeed, the Act of 1701; but that Act is denounced as "a mass of imperfect protection and practical confusion." Lord Cockburn, the distinguished Scotch judge, was indignant on this point. In his pleasant memoirs he asserts that there is no security for liberty on the north side of the Tweed. Personal freedom depends on the temper of the existing government, or rather on the discretion—peradventure the caprice—of the Lord Advocate. When that high functionary incarcerated a gentleman supposed to entertain dangerous political opinions, the Lord Advocate justified himself in the House of Commons by the proud boast that he represented the Scottish Privy Council, and that his powers were unlimited. It is curious to observe that the work of a celebrated Glasgow professor, published in 1787, on constitutional law (in four quarto volumes), treats, not of Scotch constitutional law, but of English constitutional law, from which the people of Scotland are excluded. That the individual described by Magna Charta as "*liber homo*" is to be found in that part of the United Kingdom, Lord Cockburn does not allow me to affirm. One thing is certain: agricultural slavery, or serfdom, was not abolished there till 1780.

Before the union, Scotland, now so prosperous, was the worst governed country in Europe. And long after that happy conjunction its want of liberal institutions became frequently conspicuous. Read the interesting account just published, of the excellent Maclaren, who started, forty years ago, the first independent newspaper ever published in Scotland. The political state of that country, and of Edinburgh especially, half a century ago was frightful. "Corruption and arrogance," says the writer, "were the characteristics of the party in power; a power in a sense of which, in these days, we know nothing. A cowering fear covered all the rest. The people were

absolutely without vote or speech. Such a thing as a public meeting, to remonstrate against grievances was unheard of." All efforts at liberation, Lord Cockburn tells us, were suppressed either by legal tyranny or by rigorous social persecution emanating from authority.

Under the sway of a benignant Sovereign, Caledonian grievances have practically disappeared; but the grave question remains, whether it be fitting and consistent with the dignity of a great and intellectual people that their political rights should depend on the clemency of the government.

The marriage laws of Scotland and of the whole empire are now undergoing investigation by a Royal Commission. I will, therefore, say nothing of them, except that, when settled, the digest must unfold them. Our northern neighbours have had, for two centuries and a half, what we are only now trying to acquire—a satisfactory system of registration. To imitate their code of bankruptcy will, next session, form the study of the legislature. Law and equity they do not set in opposition to each other, but by one high tribunal administer both. Their criminal law is admirable. The impossibility of appealing against wrong convictions and wrong acquittals is a blemish not peculiar to Scotland. It was pointed out by Mr. Burke; but it remains still in Scotland as in England, unremedied. The Scotch have no grand juries; they don't desire to have them. They have no coroner's inquests, nor do they feel the want of them. But they have public prosecutors, which the English have not. And they have allowed always—that which the English have allowed only recently and reluctantly—counsel to prisoners.

The borrowings, therefore, in the event of a united digest, will be pretty nearly balanced, and the advantages reciprocal.

To digest the law of England alone, without any reference to Scotland, would be a pretty sure way to widen the existing segregation; but to digest the two systems harmoniously together, would be to realise quickly that amalgamation which was desiderated by Bacon at the union of the crowns, and desiderated by Somers at the union of the kingdoms.

I have not mentioned Ireland; but if my argument be correct, it must apply to the sister country, which cannot well be overlooked in a work essentially imperial.

I ought to have sooner mentioned that the digest will have notes, pointing out defects in the laws digested; and setting forth what should be done with the laws not digested—those so strikingly described by Sir Samuel Romilly.

Codification of the Law of England. Digest and Code, their Expediency and Practicability. By R. M. PANKHURST, LL.D.

THE justification for the conviction of the expediency and practicability of reducing the positive law of any country to the state of a code, whether through the preliminary and intermediate stage of a digest or not, is to be found in the nature, form, and operation of the legal system itself, and in the notions, definitions, and classification which it involves, and of which it is susceptible. It must be admitted, however, that the scientific constitution of a body of positive law, according to the procedure of a philosophic method, must be a late product of intellectual activity. In order to produce such a result, the contributions of practical law and of historic and philosophic jurisprudence must be collected, organised, and applied. The relations of the processes of history and the method of philosophy are, in fact, united by the closest and most necessary bonds; for the essentials of a complete system of law derived from the principles of human nature, must be verified and modified by the experience supplied by historical knowledge. It is necessary that the fruits of experience should be rich and varied, and that their results should have indicated, if not distinctly discovered, the existence of certain general principles and leading maxims capable of extended application, before it is to be expected that the effort can be successful, in the case of many complicated branches of human knowledge, of establishing upon a scientific basis the body of truths about which they are conversant. In this predicament is the law of England. The triumph of philosophic jurisprudence, for it will be nothing less, which shall result in the true codification of the law of England, can only be effected by the aid of the constant and consistent application of a sound scientific method.

But though the codification of any particular body of law must wait for the accumulation of the results of experience, yet it is possible to hasten the time when it becomes expedient and practicable to deal with it philosophically, by drawing examples, illustrations, and guiding principles from other systems. The Roman law in Europe has been a constant monument of the possibility and expediency of putting a legal system upon a scientific footing, and it is precisely in those countries where that law has been most active in its influence that codification has been most readily and soonest realised. As to the present case, it is only necessary to mention the evil of the implication and immersion of legal rules in a multitude of facts, constituting a *rudis indigestaque moles* of particulars and details, involving the consequent evils of unwieldy bulk and of practical inaccessibility, aggravated by the distribution of the subject-

matter to be known over a vast field of authorities, standard records, and valued treatises, and yet more complicated by the supplemental and subsidiary action of the statute law. From these evils arise confusion and uncertainty, bringing with them, in practice, injustice, delay, vexation, and expense. If it is hopeless to expect the public at large to be acquainted with the entire positive law of the land, it, at least, should be made a prime object of desire to secure, that the profession may know it in all its range and fulness, by reducing it to a scientific and symmetrical system.

Another ground claims independent notice. Everywhere there exists a wish, a necessity for the extension and fuller acknowledgment of the great principle of the local administration of justice. But the degree of wise and safe diffusion of which that great public want of our time is capable is now distinctly conditioned by the existence, in a compact and fitly classified shape, of the law to be administered by the local tribunals. In its present state the law is diffuse, obscure, and conflicting. The mere element of time operates essentially in regard to many of the evils complained of. By reason of the time needed in order to come to a satisfactory conclusion in a given case, the profession are embarrassed in giving advice, the judges are driven often either to decide without settling anything, to force the litigants to a reference, or to allow the case to pass from before them on a determination which rests, not upon the substantial merits of the matter, but upon some merely technical point. A codification and consequent simplification of the legal system would, besides giving in the processes and incidents of litigation more satisfactory results, enable the profession to advise and decide with more success and efficiency. Codification is thus a necessity of the time, in the interests of the judges, of the practising lawyers, and of the general public.

The fact of the alleged failure or only partial success of former attempts at codification does not of necessity lead to despair of a happy result in other cases. Indeed, the very defects and failure of former efforts will prove the possibility and the practicability of final success, if it can be shown, as in fact it can, that the evils deprecated and in part admitted arose either because no method was employed, or a bad method, or a good method without consistency. If those codes fail which are defective as to time, place, or method, then there are good grounds for believing that, those defects supplied, a code will succeed. When all attempts are futile, either wholly or *pro tanto*, in which every instrument has been used but a sound scientific method, then the presumption is very strong that in proportion as that instrument is employed the result of failure will cease to appear, and the desired success arise. This is the position taken with respect to the codification of the law of England. But the argument, from the partial failure of former efforts, is open to the two following observations: 1. The systematised body of law which in any country has been introduced by way of substitution for a previously existing system has confessedly in every case proved

superior to that which gave place to it. 2. As soon as a code comes into existence, it is compared, not with that which it supplanted, but with an ideal standard. In proof of this it should be distinctly noted that the definition of a code has steadily progressed, and become more and more scientific and precise as codes have been attempted, and as juridical science has advanced. The conception of a code in modern times puts its demands upon higher ground than that taken by the jurisprudence of former times. That conception demands that a code should satisfy the four following conditions. It demands—1. That the code should constitute a complete body of legal rules. 2. That it should be scientifically arranged. 3. That the rules should be expressed in precise and abstract terms. 4. That the rules should be established by direct legislative action.

The characteristics involved in this conception of a code present in distinct shape the reasons upon which rest the necessity, expediency, and practicability of codification in general. It will be a compendious way of dealing with the entire question to discuss successively each of these attributes. The whole matter may then be thus progressively stated:

I. A code considered as a complete body of legal rules.

II. A code considered as a complete body of legal rules expressed in precise and general terms.

III. A code considered as a complete body of legal rules expressed in precise and general terms scientifically constituted into an organic whole.

IV. A code considered as a complete body of legal rules expressed in precise and general terms scientifically constituted into an organic whole and established by direct legislative action.

For the convenience of treatment it will be expedient to take these incidents of the definition of a code in such an order that these four ideas of expression, of arrangement, of direct institution, of completeness, may be handled in the succession in which they are now stated.

I.—A code considered with reference to its expression in precise and general terms.—The soul of the codification question is a question of expression. Two points, indeed, arrangement and expression, involve substantially the whole subject of discussion. The arguments proper to the present position are best presented by considering the different forms of case-law and statute-law. By the terms statute-law and case-law, respectively, it is intended to designate these laws by the characteristic difference of the mode of their establishment, the former being instituted by direct, the latter by indirect, legislation. In dealing practically with the rules of a legal system we have three things:—1. The rule of law. 2. The case to be adjudicated upon. 3. The relation of the rule to the case. There are here in practice as to the rule two difficulties:—1. The discovery of the rule itself. 2. The application of it to the case in hand. Now, it is the first of these difficulties which is at this point under discussion. In regard to case-law, the rule of law exists involved and implicated with

the facts, circumstances, and peculiarities of the decision, or series of decisions, to which it has been either once or successively applied. The first duty, then, obviously is by a process of induction to collect from the case or cases their *ratio decidendi*, the principle of their decision. But this duty must be performed under the following serious embarrassments:—1. The cases are scattered over a wide field. 2. They are numerous and often conflicting. 3. The rule to be discovered is closely bound up with those cases, and often cannot be eliminated without an exhaustive induction applied both to the details and to the general principles established in the cases. 4. The rule itself has been originally established in many instances in haste, in view of a particular emergency, and never with the direct and avowed purpose of establishing it. 5. The rule must, in most cases, be collected under the same disadvantages of pressure and of the urgent claims of particular cases. Let this state of things be contrasted with the procedure of discovering the rule in the case of statute-law. But first it should be stated that the statute-law of England has never had a fair chance of putting forth its real superiority to case-law, because the statutory element of the law has been in general supplemental to case-law, and has been almost always established with reference to existing conditions of the common law. A statute presents the rule of law to be discovered under the following aspects:—1. It expresses the rule in general and abstract terms. 2. It has established the rule deliberately and with the direct and avowed purpose of being used as a rule. Therefore the form of the expression, unlike case-law, constitutes an essential index for discovering the nature and scope of the rule. But language, it is said, is ambiguous. This objection is insisted upon by many who oppose the codification of our law, and in particular by Sir J. P. Wilde, in his address at the York Congress of this Association. What is the value of this objection in the present case? The objection may be dealt with thus:—1. The objection of the ambiguity of language is common to all expression of thought. 2. The difficulty is great, but it is the chief difficulty of codification. 3. The difficulty is, however, in a code distinctly acknowledged and reduced to a minimum by—(*a*) the scientific character of the method employed in constituting the code; (*b*) the care directed to the avoidance of the difficulty in the expression itself; (*c*) the deliberative character of the occasion upon which the rule is expressed. Admitted, then, that the difficulty of codification resides in the ambiguity of language. But this reduces the matter to a question of interpretation. Now, it is possible to put the principles of interpretation upon a scientific footing, and certainly the work of interpretation cannot be regarded as in any sense so toilsome, or as in the result so uncertain as the process of the inductive discovery of the principles of case-law before considered. Moreover, the difficulty of discovering a rule of law in nearly every case arises from its indeterminateness or inconsistency, or both; but it is precisely the vices of indeterminateness and inconsistency that codification undertakes and puts forth its most powerful efforts to cure.

II.—A code considered with reference to its scientific constitution into an organic whole.—The fact of the progress of the definition of a code is nowhere more conspicuous than in the demand for scientific unity in any body of legal rules, considered as an adequate expression of a system of jurisprudence adapted to govern the conduct and relations of any great modern community. It is precisely here, too, that there is most ground for confidence in the successful codification of the law of England. The progress of thought in every region assists here. The systematising of theories of scientific inquiry, the improvements in the methods of philosophising, the increased insight into the laws of the operations of the faculties in the investigation of truth—all these things constitute important aids toward the practical realisation of the idea of a code. These considerations add further proof of the dependence for the success of a code upon conditions of time, place, and method. The dominant conceptions which should preside over and pervade a soundly-constituted system of legal rules must, in all essential respects, be drawn from the very facts and materials over which they are subsequently to exercise a sovereign sway. History must confirm what philosophy institutes. The labours of other nations and times help us in this work. The codes of Prussia, Russia, and France, and, above all, the last great work of the kind—the "New York Code," just completed by Mr. D. D. Field and his colleagues—stand for us as so many *experimenta lucifera.* The indispensable conditions of success are really present. There exist in sufficiency the necessary instruments of precise and adequate terminology and nomenclature. The materials and methods are possessed upon which a definition of the essence of the subject-matter of positive law may be framed, and an exhaustive analysis made of the necessary and related notions and principles involved in the clear and complete conception of the incidents of a soundly-organised legal system. Hence arise the means of defining the conditions of a scientific arrangement with leading and subordinate division, based upon a definition of the principles upon which they respectively rest. After the law has been distributed, according to the procedure of a right method of classification, it is imperative that that method should be constantly and consistently pursued. By the action of this procedure two results would arise of immense consequence. This scientific classification of the legal system—1. Would raise to its highest power the knowledge of that system in its whole extent. 2. Would provide the best opportunity for extending it upon right principles, and in the best form. The possibility of organising upon such a basis the entire law of England is assured to us by the very notion of law itself, by the field which it occupies, by the nature and compass of the rights and duties about which it is conversant, considered with reference to their subjects, their objects and purposes, and to the persons in whom they reside, and upon whom they impose obligations. In the practical realisation of this scheme two things are, of course, essential—design and execution; but the former is by much the most important, for there can be no success without a clear

and adequate grasp of the principles and mechanism of the organisation to be operated upon. The various provinces of the kingdom of the law are to be reduced to harmony by being placed under the empire of the leading principles which govern their relation to each other. As to the preliminary stage of a digest, it is a question of expediency. A word here as to the meaning of terms. A digest gives form to what antecedently exists as law, while a code at once gives form and law; the latter furnishes the shape and constitutes the law, the former only formulates what comes to it through other authority. A digest would therefore be a safe experiment, a source of education and a means of preparation in every way desirable. As to procedure in regard to codification, it may be added that it will be necessary that the results of the re-arrangement and re-expression of both statute and case law should be fused into a consistent whole, according to the method and classification previously discussed.

III.—A code considered with reference to its establishment by direct legislative action.—The advantages of arrangement and expression fully considered in the comparison of statute and case law receive a practical realisation in the introduction of the element of direct institution. Here is plainly seen the difference between a rule of law coming into existence in an abstract form not only designed to be, but distinctly appearing to be, a rule for future use, and one established indirectly in view not of a class of cases, but of a particular emergency, and presented in a concrete shape, involved in the matter and circumstances of the occasion to which it owes its origin. By direct legislation the procedure necessary in dealing practically with the law is reduced to a matter of ratiocination. The inductive process is performed by the legislature. The general propositions are furnished directly by supreme authority, and their particular applications are eliminated from them by deductive reasoning. The inquiry is thus reduced to an investigation into the meaning of forms of expression, into the application in particular cases of a given form of words. This brings the entire work to a question of interpretation. It is asserted in the introduction to that able work, *A Compendium of Mercantile Law*, by the late Mr. John William Smith, that the "codification of our mercantile law would be a national evil." Codification, it is thought, would impose fetters upon its freedom and power of improvement. It may be answered, however, that the customs of merchants and the exigencies of commerce, which enter so largely into the composition of that law, would, if that law were codified, be as much causes and reasons of the law as they now are, but system, and method, and directness, which are now absent, would then be supplied.

With a legal system constituted into an organic whole, having its departments distributed upon scientific principles, and the minor and more complicated divisions placed in due relation and subordination to the larger and simpler, it would be an easy thing to detach and throw into a separate shape the law affecting particular classes and

interests of the community. Abundant illustrations of the advantage of such a course might easily be found.

The law affecting commercial interests in countries where a code exists is found in the hands of the mercantile community in a short compass and in an inexpensive form.

IV.—A code considered as a complete body of legal rules.—With regard to completeness, a code may be considered from two points of view, as to the existing state of the law and as to the future. A code looked at as a methodised compendium of existing law is, it is affirmed on the principles of the arguments before submitted, far superior in point of comprehensiveness to the present position of things. As to the objection urged by Sir J. P. Wilde and others, that a code is not perfect in relation to future litigation, the answer is, that that is an objection applicable to all law. But that which is a defect common to all systems of law is, in the case of a code, less extensive and susceptible of readier address. Upon this point it is possible in the interests of codification to assert, in view of this common defect as compared with other states in which legal systems exist, that in the case of a code, first, the amount and nature of the defect itself is more clearly defined ; second, the best mode of supplying the defect is more distinctly suggested ; third, the means of giving effect to the suggested remedy are more readily provided and more safely applied. Here, therefore, is an inevitable imperfection of every system which requires the creation of law, but a code reduces that imperfection to a minimum, and causes what remains of defect to be furnished with the least mischief, and in the easiest way.

An ideal system of law would be a high triumph of scientific method, classification, and expression. In such an ideal and "elegant" legal system the rules of which it is composed are in all their range and variety precise and determinate, marking with clearness and perspicuity the essential properties of the several accurately-defined classes, in view of which these rules have been framed, and to the government of which they are assigned, so that every case as it arises is easily and surely referred to its class, and is also readily and with certainty subjected to the incidence of the rule under the cognisance and dominion of which it properly falls. Possessing the virtue of internal consistency, because the power of a true unity pervades and animates the whole, this system demonstrates its worth and usefulness by the commanding attributes of largeness of view, simplicity of constitution, directness of application, and perspicuity of language. Towards this ideal standard a good code approaches by the process of a constant approximation. The law of England can and ought to be put upon this career of advance towards this high standard. The constitution of the law of England upon such a philosophic basis is a debt which the juridical intellect of the time owes to the profession and to the public ; and it is of the highest consequence to many interests, vitally affecting the common weal, that this obligation should receive an early and adequate discharge.

CHARITABLE BEQUESTS.

What Conditions or Limitations ought to be imposed upon the power of disposing in perpetuity of Property, Real or Personal, for Charitable or other Purposes? By THOMAS HARE.

THE subject of charitable trusts has been several times considered by this and the Law Amendment Society, and various papers upon it have been printed in their *Transactions*. I will, on this occasion, do no more than present a summary of the rules, or principles, which it appears to me should govern legislation on charitable endowments. I will, at the outset, by way of definition, observe that I include in that term every permanent application of property to a public purpose in relief or aid of the nation, or any classes or persons within it, in the performance of a duty or service which it is, or from time to time may be, thought necessary to perform. It will, therefore, comprehend objects of the most diverse character in their nature and magnitude; all those referred to in the statute of charitable uses, from a national, British, or parish school, to the estates dedicated to the maintenance of Eton College, Greenwich Hospital, Bartholomew Hospital, or London Bridge.

In the first place, I see no reason for preventing any one from giving his property to the State, or to its necessitous members, or for discouraging such gifts. I have no fear that public or general objects will occupy too high a place, or supplant those which arise from private and personal feeling and regard. The first rule I therefore express thus—

1. Let no restriction whatever be imposed on the disposition of property, real or personal, to charitable uses, either by deed or will.

The provision required by law for proof of the fact that the testament is that of the testator, and that he was of sound mind, if good for anything, ought to be sufficient for all wills. Our courts of equity, in their jurisdiction over trusts, impose the only limitation of object which is necessary — that it shall not be contrary to public policy.

The next rule is—

2. Let all land settled, or devised, for charitable uses (with the exceptions contained in Rule 3) be sold within a definite period, not exceeding (say) ten years from the time of the conveyance or devise; and the proceeds invested under the direction of the Department of Charities; and let all land now held on charitable uses be also sold, within a period not exceeding (say) twenty-five years from the passing of the law, and the produce invested under the same direction.

Having regard to the vast extent of the land of the kingdom held

not only technically in mortmain, but by trustees appointed from time to time, I think it not unreasonable that a quarter of a century be given for bringing into the market gradually the existing charity estates. The sale would be regulated by a public department, viewing the subject as a whole, and prescribing the time and manner in which the sale shall take place in the various localities, that the full value may be obtained.

3. The exceptions to such sale and conversion shall be all land necessary for the use and occupation of the charitable institution itself.

Thus, if it be a school, there may be the school, playground, and master's or mistress' residence; if a hospital, the building, courts, garden for the exercise or recreation of the patients, and all that is necessary around it; if a school for agricultural instruction, there may be so much land as would be necessary for practice and experiment.

I am not insensible to the magnitude of the proceeding to which I here point, nor to the obstacles in the way of my proposal. In the paper read by Sir James Kay Shuttleworth, on Friday, the land held by charities was stated to have been estimated some years ago at between 400,000 and 500,000 acres. I can pass for miles through streets in London which I personally know to be charity property, and I believe that a quarter of the metropolis consists of such property. The private interests opposed to the alienation of such property would be multitudinous. I need not refer to the interests of the lawyers, who act for the charitable bodies, and have the preparation of the leases and agreements, and the conduct of other legal transactions; for though their influence is very considerable, it may be said that there are still more lawyers who would have a chance of participating in these profits, if the property were brought into circulation, and therefore we may set the larger portion of the profession against the smaller; and this is true with the qualification that the possessors of this business at present are all very much more sensible and tenacious of what they would lose, than any of the non-participants are of the share which they may probably gain. But these estates are held by large numbers of trustees and governors, who thereby acquire a very considerable and pleasing amount of personal importance. They appreciate the authority and influence of proprietorship. The estates in the country must be visited, and committees of trustees have agreeable excursions for that purpose. They are, of course, treated with great respect by the tenants, and in the shooting season there are many courtesies, which the trustees and their friends are tolerably sure of receiving from the farmers of the charity estates. It happens, also, that trustees and governors, from their active influence in many of our old corporate cities and boroughs, have often as much or more to do with the machinery by which members of parliament are made in this country, than any other class among us; and owing to this cause, and to the clamour they can at any moment raise from the multitude, who are looking with open mouths

for what those trustees have to give away, they are a very formidable body, and no government we can at present foresee will dare to encounter the host of noisy enemies which a disturbance of those valued privileges would raise up. Nevertheless, in the discussions of this Society, we can speak freely; we can aim at the public good, and can disregard all narrow, selfish, or illegitimate influences. The tying up and preserving from generation to generation, in unalienable ownership, such a large and daily-increasing proportion of the land of the kingdom, and the buildings which cover its surface, where the people dwell, is an incalculable public evil. It excludes all this property from commerce, and from the changes of proprietorship, which lead both to individual and national improvement. Not only are the governors and trustees of such estates generally subject to all the objections which apply to absentee proprietors, but they have not the inducements of private owners, either in respect of conscientious duty or of profitable enterprise. They stand persistent obstacles, more or less, to the national well-being. It will be remembered by some, that a year or two ago, in a committee of this Association, I prepared a bill, one point of which was to deal with the town estates of charities, by placing them under a board composed of persons representing the trusts, the city, and the state, and administering them as one whole, and as the most powerful means of meeting the want of suitable habitations; but no member of parliament could be found willing to undertake the advocacy of such a measure. I think we can form no sufficient estimate of the impulse which would be given to public improvement, if we had a parliament wise and powerful enough to enforce the sale of those estates in the rural districts, and to deal in a comprehensive manner with those which are situated in populous towns.

The next rule I propose is one that limits the period during which the directions of the founders of charities shall be imperative.

4. Whatever the period may be during which the law of the state shall permit property to be settled inalienably on a particular person, for a period equivalent thereto, property may be made inalienable from specific or charitable objects, but for no longer period.

If, as the case is, a settlement may now be made for an existing life, and a subsequent minority, so a donor of property for charitable uses shall be able to render it inalienable from the trust which he has prescribed for what, on the average, would be an equivalent time—say for thirty years after the settlement or devise takes effect. Land coming within the exceptions in Rule 3 may not necessarily be subject to this resolution.

Not only in preventing real estate from being held by any bodies in perpetuity, but in other important respects, the difference between the law which now prevails in England, and a law founded on the principles I suggest, would be very great. The proposed law substantially repeals the so-called Mortmain Act of 9 George II., c. 35. It makes the power of a testator over the devolution of his property precisely the same, whether it be real or personal, and it abolishes all

the practical distinction between the validity and incidents of the trust estate, whether vested in corporations, or in individual trustees by conveyance from time to time. It leaves unrestricted power of appropriating sites and buildings, and preserving all the necessary centres of institutions for education and culture, for the relief of disease or suffering, or the repose of age and infirmity. It affords unbounded scope to all living and voluntary charity to maintain such institutions in their greatest plentitude and most perfect efficiency, and to distribute the benefits of the institutions which they thus support amongst the objects of their especial favour. Not only does it thus admit and encourage the bounty of the living, but it allows of the disposition of property after death, to the specific purposes indicated by the giver, for a period equally durable with that of any settlement he could make in favour of a personal object of his bounty. But here it stops. A just law, in its limitation of perpetuities, should recognise no right in one man or one generation to dictate to the generations which follow, as to the manner in which they shall deal with the produce of the earth. It is enough for each generation to do its own duty to its contemporaries, and leave the noblest example it is able to succeeding ages. Let those who desire to benefit posterity accomplish their object by devoting themselves to the good of their fellows, to the best of their understanding and power—by laborious efforts, by great deeds or great sacrifices, and not by the puerility of telling those who come after them, and will probably be wiser than themselves, what they ought to do.

This brings me to the fifth and last fundamental rule—that for the appropriation of the income of endowments, at the expiration of the power of the settlor, say, at the end of thirty years after his death, a term I have supposed to be equivalent to the present powers of a testator in regard to private property. And here I can but repeat a principle which I endeavoured to explain in a report on Christ's Hospital, which was last year laid before parliament. Every man, woman, and child in the kingdom is, in relation to the state, entitled to an equal share of its protection and its benefits; and in the framing of impartial laws, must be regarded with equal respect and tenderness. I look upon it as radically unjust in the state to set aside or reserve a part of the permanent wealth of the country to the special benefit and maintenance of particular classes, or the objects of special patronage and favour, with the purpose of giving them an advantage over others less happily situated or connected. Private property and private beneficence may be bestowed according to the prejudices and partialities of the giver; but the state has no prejudices or partialities. The inequalities of hereditary fortune, the varieties of natural endowment of mind and body, the more or less perfect education and culture by parents and teachers, create infinite diversities in the condition of mankind. The great multitude of every people must begin and pursue the race and toils of life with slender powers and resources, and must accept its more painful labours and lower rewards. But it seems to me cruel for the state to permit the

establishment and maintenance of permanent endowments, that increase the pressure with which fortune, and nature, and accident, bear upon the masses of the people, aggravating their difficulties by diminishing their chances of emerging from them, in the degree in which exceptional advantages are given to the favoured classes. It will be observed that I speak of no institutions which are maintained by the subscriptions or co-operative labours of living persons. I speak only of the dedication of the income of property, with the dominion of which the owners have altogether parted, and which is necessarily left to the care of the state. I say that such property should not be administered for the narrow purposes of private patronage or private favour. It should not be perpetually confined to localities or classes, but its benefits should be so distributed, that every person, and family, and class in the kingdom should, in time of need, have equal chances of participation.

5. The annual produce of all property dedicated to charitable purposes, whether for schools, for hospitals, or for eleemosynary distribution, shall be applied, as far as possible, for the use of those who are most in need of it, without preference of place or class, and, as far as possible, in aid of those whose necessity or privation is not, or is in the least degree, owing to any fault or negligence of their own, or who may be regarded as, under any special circumstances, requiring or deserving public assistance; and the rules from time to time adopted for the apportionment and distribution of the produce of such endowments, shall be prepared by the Department of Charities, and laid before parliament at least for two months during its session, before the same shall be acted upon.

I may illustrate what is meant by such a law, by referring to the discussions which lately arose, on a proposal to establish an orphan asylum for the reception of the children of parents who died of cholera. I see no reason for rejecting or discouraging the spontaneous bounty of the public for that or any other charitable purpose. The question whether children would be brought up better in such asylums, or distributed amongst families, is a fair one for experiment, in which each method should be tried under its most favourable circumstances. The utility of such a foundation, however, was asserted on the ground that provision for destitute children in our workhouses is so unsatisfactory. I presume that those who used this argument did not at the same time fail to see that if such be the fact it is not by any partial supplement for a few orphans here and there that it ought to be met, but by a general revision of the workhouse system as to desolate children. If the founders of these asylums have fallen upon any plan more successful than another for bringing up children who are without natural protectors, and fitting them for the duties of life, let their improved system, at once, and with as little delay as possible, be applied by the administrators of the poor law to every such child alike, without favour or preference, and thus secure the benefits of such culture as widely as may be to the whole of the poor of the generation now entering, or hereafter to enter, upon existence.

But supposing such an orphan institution to be established, it must then derive its support either from contributions year by year, or by permanent endowment, or both. With his voluntary bounty every subscriber would do as he pleases, but so far as it depended on endowments, the object should be to administer them with the utmost equality to those in need of them throughout the kingdom, avoiding the evils of patronage or partiality towards any class. It would not be confined to the victims of cholera, or to the distressed of any particular neighbourhood. In distributing the benefits of the great national endowments, the department of the state charged with the business of charities, the councils of education and of the poor law, would be in communication with the municipal authorities, the managers of schools and public institutions, the boards of guardians, and other bodies executing public functions in every locality: they would be able to form an estimate of the wisdom and judgment displayed in each district by the success of the measures adopted; and would be able to encourage effort by special aid wherever such aid might be usefully given. Such communications on the special educational wants of each spot, and the means by which they might be best supplied—how local difficulties may be encountered—sufferings arising from accidental causes or failures of the ordinary means of support alleviated—the transport of labour aided from places where it is in excess to others where it may be usefully employed—the condition of the dwellings of the labouring classes improved and made what it should everywhere be—and on all other subjects affecting the well-being of the vast and mobile population of this kingdom, would be invaluable, and would gradually pave the way for social improvements, the extent of which we cannot now conceive. From the information thus gathered, even the great fund of living charity, instead of being wasted, or often worse than wasted, would learn from day to day, and month to month, on what purposes it could be best bestowed, whilst no one would be tempted to look to charitable endowments as the means of relieving them from personal duties or personal sacrifices.

I will conclude by observing that the power reserved to the state by the last rule, to change and modify the disposition of all endowments at the end of a certain period after their foundation, does not necessarily involve a departure from the prescribed object of any charitable gift so long as it is beneficial in itself, and operates fairly and justly towards the rest of the community. The principle enunciated by the rule is, that the state assumes the power to alter the disposition of all such property where the public welfare requires it. It puts an end to all the questions and absurdities of *cy près* application, and to the jurisdiction of chancery, or any other court, on such matters. Instead of leaving subjects to be dealt with as questions of jurisprudence, it brings them within the domain to which they properly belong—that of administrative policy—to be exercised constantly under the control of parliament, as the authoritative exponent of public opinion.

On Perpetual Charitable Trusts. *By* PERCY W. BUNTING, Barrister-at-Law.

THE form in which this question concerning charitable endowments has been proposed carries us back, and, I presume, was intended to carry us back, to a paper read before this Association at Bradford in 1859, by the Vice-Chancellor, Sir W. Page Wood.* That paper, equally with Mr. Hare's, is the foundation of our discussion to-day, which is to be a continuation of a discussion seven years old; and the remarks which I have to make arise out of a consideration of the criticisms and suggestions of a writer of the first authority. But, as I do not find that his opinions have commanded by any means universal concurrence, I may perhaps venture, without presumption, to express dissent from them.

No dissent, however, of course, from his view of the fact that glaring anomalies deface our law of Charitable Trusts. Now that the improvements and artifices of law are more and more closely assimilating real and personal property, so that the one can almost as readily be put into and withdrawn from settlement as the other, it is, of course, unreasonable to permit money to be bequeathed to purposes to which land is not devisable. And this general obsolete distinction covers, under the quaint phrase, "savouring of the realty," refinements much less defensible on any political ground. We shall probably all agree that any scheme for the amendment of this branch of our jurisprudence must sweep away all such legal subtilties, and treat all kinds of property alike.

Four reasons may, perhaps, be assigned for the original difference in the mode of treating land and money. In the times when the older statutes of mortmain were framed, it was not so easy or so common to settle personal property. Money now takes the general shape of investment producing income; and land is but one form of capital. Nor was it formerly easy to bring into the market estates once settled. To the same past condition of society belong the feudal incidents of land, the evasion of which provoked the first legislation operating against charities. Again, there has always lingered in our system a bias in favour of heirs-at-law. Only by slow degrees made subject to their ancestor's debts, it was a concession even to allow the land to be devised away from them at all; and to this day they enjoy a far more favoured position than the relatives who succeed to personalty. Of these reasons, the two latter have certainly ceased to guide our policy. The interests of feudal lords are gone; and it is no longer an object to protect an heir at the expense of the ancestor's devising power. The danger of withdrawing land from commerce alone remains to distinguish land from money in our considerations. But the word "commerce" must include not only the buying and selling of land, but its thrifty management while in mortmain. (I use the term "mortmain" in the popular sense of a dedication to perpetual charitable uses).

* See *Transactions*, 1859, pp. 184-192, 255-259.

The statute of George II., so far as its aim is indicated by its provisions, seems to have struck, not so much at the power of devoting land to charity, as at the abuse of that power—to have intended to protect, not to fetter, the right of perpetual alienation. In this view, again, we have no rational distinction between land and money. But we have to consider whether sound policy requires any check upon superstitious gifts.

And. besides these two points—the land question and the superstition question—there are two things which have very much influenced of late the discussion of the law of charities ; namely, the sentiment that endowments are a mistake, and that each generation should attend to its own almsgiving, and the fact that very many of our endowed charities have been found either radically mischievous in principle, or, at least, infected with the gravest abuses. I propose to remark upon all four points by and by, but the mere enumeration of them leads me at once to turn and ask, What in the world have they to do with the doctrine of perpetuities? How are their difficulties to be solved, or their evils to be redressed by adverting to the restrictions placed on the duration of private bequests ? Surely, in turning to such a quarter for a remedy, the mind of the judge has rather been struck by a theoretical anomaly than dwelt upon the effect of his suggestions on the mischiefs complained of. And it is curious that a similar course has since been taken by an even more illustrious theorist, who, thinking that he descried an anomaly in the exemption of charities from the income-tax, allowed himself to defend their taxation on the ground that most of them were pernicious, and all mismanaged. If it be extravagant to keep land in mortmain ; if the death-bed need additional guards ; if charities have preposterous objects, or be habitually wasted ; surely some more stringent measures are necessary than the toning down of these evils by cutting off a remote or insignificant portion of their influence. It would be like sentencing a convicted thief to an imprisonment to commence twenty years hence, or to be shut up one day in every week.

But I venture to submit that to limit the duration of a devise to charity is not only an inadequate, but a mistaken remedy. Mistaken, perhaps, even in principle. For, though it may be striking at first sight that a man should be able to fix his property more permanently with trusts of a public than of a private nature ; yet, when we ask what is the reason of the rule against perpetuities, the anomaly seems by no means so clear. A man ordinarily devotes his property to the benefit of his family. They look for it. Their benefit has been a principal motive to its acquisition. Although we allow him to give it to strangers, yet the ordinary course of things is not so. Perhaps it is because it is not so, because the power will be sparingly exercised, that we can allow him to give the property to strangers. It comes to the family as a family ; in succession ; tied up for one generation—why not further ? Because it is as much, probably, as the ancestor can wisely do to forecast the interests of the two genera-

tions which he can personally know. To do that wisely, it is customary now, as to personalty, at least, by means of powers, to leave, as it were, the will to be filled up afterwards. Because it is for the good of trade that most property should be in the hands of some one who can risk it. But also, mainly, because the property descends in the family ; and the living generations, from time to time, checking each other, will make their own arrangements. And so the rule against perpetuities is adjusted to the exigencies of ordinary family convenience. Otherwise it would not stand. Would it be tolerated for ten years, if the habit grew common among testators to use it to the full—to put their money or their land into ordinary settlement for a life and twenty-one years, and then shift it suddenly aside to a stranger, or to their heirs-at-law ? Would a rule be tolerated which fixed the limit of settlement simply at a term of twenty or thirty years? Does not the stability of the rule depend upon the probability that the absolute—that is the perpetual—interest will be left in the unfettered hands of the second generation ? It is the interest of the nominated owner to have his ownership free, and not a jealousy of the authority of the testator which gives life to the law.

But, setting aside this fancied analogy, the discussion of which is, perhaps, too speculative to be worth pursuing here, the application of the rule against perpetuity to gifts of a public nature is embarrassed with practical difficulties which do not beset limitations to private persons; difficulties so insurmountable that even the writer of the paper I have alluded to has not ventured to work out his suggestion. A testator exercising his legal powers in the usual way, has, at the end of his series of limited interests, some persons to whom the absolute property falls, expectedly, in the order of natural succession, on the failure of the persons nearer in blood to the testator. But suppose a fixed term prescribed, during which, and not longer, the income of property might be devoted to charity, what is to become of the corpus at the end of that period ? (A fixed term it must be, because the duration of lives in being would have no reasonable relation to the charitable use). Either the state must seize upon it, or it must pass to the heirs or next of kin, or the testator must have the right to take advantage of both periods, and, after exhausting his powers for public purposes, append a series of family limitations according to the usual rule. Perhaps the last would be the best course of the three. Forfeiture to the State is always invidious; it looks penal ; its operation would be highly repressive of charitable bequests. It would amount to reading a devise to charity as a devise to trustees for a term, with remainder to the National Debt Commissioners, which would just be a settlement in a very awkward form. Again, there would be no reason why the heir or next-of-kin should take to the exclusion of such persons as now lie within the scope of testamentary power. But can any one fairly contemplate such a state of things ? What but misfortune could come from hanging over the successive generations of a family the prospect of an inheritance

deferred in enjoyment for thirty or forty years, which they must consider their own, but vexatiously held back from them during the period when it might be most useful. What sentiment of respect to the ancestor, what habits of prudent industry could be expected from such a position? What family would it not ruin, if the fund were large enough? On the other hand, the charity having only a limited interest, the land or capital would be tied up by the necessity of consulting, in all transactions, not only the advantage of the charity, but the will of the remainder-man. In short, a gift to a charitable purpose would cease to be a perpetuity, but it would become a settlement. Money once left out of a family is best left away from it altogether. I need not pursue this. The only good to be suggested from it, as it seems to me, would be to keep down the accumulation of charity property; and, if that be considered a good end, there must be far more direct ways of compassing it. The question comes round to the same point reached before:—The doubtful analogy between public and private bequests ought not to be made a pretext for measures which are really aimed at our whole policy of permitting or encouraging testamentary benevolence. I have noticed that the Vice-Chancellor shrank from carrying out the principle on which he based his paper. He did not propose to disallow gifts in perpetuity to be established, but only to original institutions, and not even to them, if the charity commissioners should approve the design of the founder. (I am not, of course, here noticing formalities of execution or other provisions against undue influence or hasty improvidence.) Indeed, that very distinction points to another difficulty inherent in the subject. An original foundation will, as a rule, involve a perpetuity, because the founder is sure to direct either the perpetual use of the land, or the perpetual investment of a fund. But, if a charity be once founded, is it a perpetuity to make an out-and-out gift to its trustees? It is, if the income only of the gift be used. It is not, if the capital be spent by the trustees. An absolute gift to a perpetual owner is perpetual or not according to its use. I rely on the fact that the eminent writer whom I am daring to criticise has left in his practical suggestions scarcely a trace of the principle on which he so strongly insists, when I submit to you that the right of perpetual alienation is beside the mark in discussing our policy with respect to charitable foundations; and I shall proceed to say a few words on each of the four questions on which that policy may be thought to depend.

And first, what do we mean by withdrawing land or money from commerce? Of course it is a vague term, and points to the doctrine that the soil of the country should be, to a large extent, in the market, readily bought and sold, and that it should be made the most of, in whatsoever hands; and that money should also be free to be employed in trade. That is our commercial policy. But how is it seriously impeded by allowing land to go into mortmain? If you give trustees full powers of sale, there is nothing wanting but a price which it will be for the advantage of the charity to take. Trustees, no doubt,

will not be active in forcing their property into the market; they are not to go into building speculations; but they will sell to a speculating capitalist; and no more restriction is imposed than by an ordinary settlement. As to management, nothing but an active supervision is necessary—and that is necessary on any theory—to bring the administration of endowment lands to the level of that of private estates. The Vice-Chancellor Wood attests that "no economical evil results from the mere fact of land being held by corporate bodies on charitable trusts," and that "the estates held by the colleges in our universities, and still more the lands held by the public companies of the city of London in Ireland, will bear comparison, as to their cultivation and management, with any lands held by individual proprietors." As to money, it is true that trustees cannot trade with it, but there appears no reason why the liberal powers of investment used in modern family settlements should not, at least to the extent of debentures, be conferred upon the managers of charity funds. Money lent on good security is not lost to commerce. Of the vast sums risked in trade, a large part is absolutely secure, and this includes settled moneys lent at interest. Considering, therefore, how small a proportion of the soil of the country is ever likely to find its way into the hands of trustees for charities—and the experience of foundations which have enjoyed license in mortmain shows how small it must be—the necessity may perhaps be doubted of imposing upon charities the regulation recommended to the Law Amendment Society, in 1861, that their lands, except the sites of necessary buildings, should be sold within a short fixed period from their acquisition. If the interests of the foundations themselves be well looked to, the market will find its own level.

Secondly,—as to the prevention of superstitious or improvident gifts. It is very common to insist that posthumous charity is not truly charity, because it does not involve self-denial; and that relatives are often disinherited from improper motives. I believe this is very much exaggerated, and that the persons who make large bequests to charities do so mostly from motives of pure benevolence, and prove it by also making large gifts for the same purpose in their lifetime. But surely it is contrary to the spirit of our policy to legislate for the protection of a man from his own mistaken opinions. Suppose that a fanatic does think that the pardon of heaven for his misdeeds can be purchased with money, is it the business of our toleration-professing law to step in and fetter his power of alienation? If relatives are to be protected from disinherison, then we must take up the continental system, and give them a fixed reasonable share. If the proposed charity be a bad one, alter it. If such bequests be in excess, check them by requiring, in some form, the assent of the state to their institution. But leave the testator, so far as his motives go, to be his own judge. Whether the present law of wills affords sufficient guards against improper influence, or takes sufficient care that the dispositions it enforces are the thoughtful, deliberate, and settled will of the testator, may, perhaps, be questioned.

I notice that the late Sir Francis Palgrave, in his very interesting evidence given to the Mortmain Committee of 1844, based a proposal for special precautions against hasty wills in favour of charities, upon the opinion, not that there was anything special in their case, but that the general testamentary law was defective on this point; and it certainly is not obvious why more stringest proof, or an ampler *locus pœnitentiæ* should be required of the will to found a charity, than of the will to disappoint all relatives and enrich unexpectedly a total stranger. At least, if so marked an anomaly is to stand in our law, it should be upon proof, that in some considerable proportion of cases charitable bequests are obtained by the over-persuasion of confessors, or suggested by sudden terror, and not upon the mere possibility of such things. Under any law, a very unnatural and unexpected distribution by will leads to suspicion and inquiry; and the right of testament is so near to being a natural right, that it is not only unwise but useless to load it with artificial conditions. It is not so improbable that a man should bequeath to charity, that a higher degree of evidence is necessary to prove it. Such excessive precautions operate as a limitation of the power of willing; and experience has shown that, like other excessive restrictions, they merely stimulate the invention of schemes to evade them.

The next point is more difficult to deal with, for it appeals to wider and less determinate principles. It is the duty of each generation of men, it is urged, to provide for its own contemporary necessities, and to accumulate wealth, but to transmit that wealth to the next age, unfettered by restrictions as to its use; to place as much power as possible in the hands of posterity, but to confide absolutely in the judgment of the future owners. It is a little bit of socialism, in fact; for it infringes, undoubtedly, on what has now come to be an integral element of our idea of private property—the exercise of posthumous authority over it. The principle applies equally to public and private fetters. Indeed it applies more forcibly to family settlements than to public charities, inasmuch as the former are unalterable, while charities can be moulded from time to time. But it is a view too wide to be more than referred to within my limits; it involves the profound question of the balance between the stability and the vivacity of public institutions. I only remark,—First, that its fatal flaw in principle is, that it infringes on the current right of property: if it be better policy to refrain from endowing particular organisations for benevolence, it is wiser to bring about a change by influencing the opinion of testators, than by attempting—attempting in vain—to tie their hands by force. Secondly, that whatever of wise policy it indicates, is satisfied by a free habit of handling foundations which have proved mischievous or useless. It is good that a man should let charity influence his expenditure through the whole period of his ownership; good that he should consider the public interests, along with his own during his life, and with those of his family after his death; good, also, that the public

should treat his foundations with respect, but not with servility, supplying to them, out of a growing experience, that life which consists in perpetual adaptation to the wants of the times.

It is very much for want of this vitality that so many charities have fallen into abuse. But surely we are not in this day so shiftless that we have no other remedy for the misdirection of force than to quench it altogether. Abuses have been discovered so glaring, that there is danger of forgetting how large a portion of our charities require reform, not so much of their objects, as of their mode of administration. The great offenders are the endowments for bread, clothes, apprenticing, loans, and small money doles. The Education Commissioners cast a longing eye on these; and if their hopes can be fulfilled with respect to the reform of the endowed schools, few will be sorry to see them sweep into their net a fair slice of these mischief-doing funds. Education is the rage, not unjustly. It is now dawning on us, that charity may be well spent on the reform of small dwellings. We shall soon hear of bequests in aid of Mr. Peabody's fund. Every age has its special sense of need. There is, perhaps, more change in the fashion than in the needs themselves; and the redistribution of endowments must not be too hasty. But it is always fair to consider that, if the donors had lived in our days, they would probably have been affected by the current opinion. And provided that it is kept in mind that the right use of all endowments is to stimulate and support constant personal efforts, and that no endowment is healthy which does not gather around it eager and disinterested administrators, there need be little fear of wasting money on the one hand, or of disappointing the just wishes of founders on the other. The practical question at present is, whether a new committee of the Privy Council would be a good organ of administration. It seems clear that neither the Charity Commission nor the Court of Chancery can do the necessary work; neither has authority enough, and the court at least is too expensive and too dilatory. There is constant supervision wanted, as well as a powerful impetus to reform.

It is hardly necessary to remark that religious endowments do not come within our consideration. Churches and chapels are, in general, only charities at all in a formal sense. They are often built by the persons who are going to use them themselves; and, at all events, there is preserved a perpetual body of beneficiaries, who not only keep the endowment in serviceable use, but who, by contributing to it sums out of all proportion to its first cost, make it, as it were, their own property. It is more convenient and more accordant with sentiment to build a place of worship, and dedicate it to sacred uses; but there seems no reason, for juridical purposes, why a religious building should not be leased by a private speculator, or held by the congregation organised as a joint-stock company. I have been told that it is common in America for the wealthier members of a religious community to build a church, and either take a rent from the congregation, or even sell the pews; and that this is not

speculation, inasmuch as money so repaid generally goes to building new churches. It is only a convenient device by which the kind of special public to which a church belongs can hold it. Perhaps these remarks hardly apply to the Church of England; but they may serve to show that all charities of this kind must be separately considered. At all events, the religious question is too delicate to allow of the bold treatment which may be applied to charities, as to whose objects we can arrive, by argument, at something like a general agreement whether they are good or bad, or what will be better.

I must make it my apology for a paper leading to so little practical suggestion, that the question proposed is one purely of principle, and hope that a discussion of the principle will at least tend to strengthen the hands of those who, with larger experience both of the evils of the present condition, and of the difficulties of improving it, are setting themselves to devise a new system of charity administration.

MR. HARE'S ELECTORAL SYSTEM.

*A grouping of Parliamentary Electors that combines a Just and Equal Distribution of Seats, and the Free Expression both of Individual and Public Opinion, with the smallest degree of Disturbance from Corrupt Influences.** By THOMAS HARE.

THE difference between my object and that of all others (except Mr. Andræ) who have addressed themselves to the same political question, is, that they are satisfied if power be conferred on the masses, while I seek to distribute it among the individuals who

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* The proposed electoral law (Election of Representatives, Parliamentary and Municipal: Longman, 1865) may be thus shortly abstracted. I. *Size of Constituencies.* §§ 1, 3. The total number of votes polled at the general election to be ascertained and divided by the number of members [658], and the quotient made known to the returning officers. §§ 4, 6. The 658 of the candidates who have severally as many votes as the quotient, or if less, the nearest in number to it to be returned. II. *Distribution of Seats.* §§ 5, 28, 32, 33. The existing constituencies, and all other towns, colleges, corporations, &c., hereafter to be enfranchised, by Order in Council, or otherwise to elect as many members as they have quotients of voters, and if singly too small to return a member, to group themselves at each election with such other constituencies as they may individually choose. III. *Method of Candidature.* §§ 7, 10. To be local, as heretofore, without liability to election expenses, except a deposit of [say £50], but the candidate may offer himself for as many different constituencies, as he may deem necessary, to obtain a quotient of votes. IV. *Method of Voting.* §§ 8, 9, 14, 37. Voting papers, in which the voter may place the names of any number of candidates in succession, not being required to confine himself to those for his own constituency. The *Gazette* will supply him with the names of all. His vote will be taken for the first candidate he names, if it be wanted to make up his quotient, if not for the next, and so on, that if possible no vote may be lost; but no vote can be taken for more than one candidate.

The other clauses contain detailed provisions to effect the desired object.

mpose the masses. I am satisfied with nothing less than the same easure of freedom of action for the individual, as is conferred upon e mass, and without which, it appears to me, that appeals to the tellect and conscience of the individual are illusory. Hitherto the ultitude has been content to be marshalled under certain banners. he progress of education and knowledge, the habit of reading, and f free and broad discussion, have vastly increased the number of e people who are capable of forming opinions for themselves, and mmunicating with others of like sympathies. Territorial inences, and even the influence of large employers are rapidly dispearing. Now I seek to give a perfect freedom of political action each person who is able to exercise it, and that not limited to those ho are found within any particular boundary, but far and wide, to the xtremity of the kingdom. With this view, the system I suggest vites deliberation, and provokes and calls for the exercise of ought on political subjects in all in whom it can be awakened.

I endeavoured to point out the importance of this general action my evidence a few weeks ago, before a committee on the munipal government of London. The chairman of the committee—the presentative of the largest constituency in England—asked me hether the system would not require that the citizens should take part in the election by inserting in their voting papers the names f the municipal councillors they desired to elect, instead of allowing e election to take place on their mere nomination, as at present, hen no poll is demanded; and on my answering in the affirmative, e asked, "Why should society be so worried?" This is, I think, striking example of the difficulty our practical politicians have in alising the conditions of true self-government, which, if it be worth ything, is worth this care. Their idea is, that of a few bustling officious persons taking upon themselves the management for the st. The self-government of the people demands, not the action of liques or caucuses, from whatever class they come, but the attenon and thought of the people steadily brought to bear upon it, nd not capriciously, or by fits and starts. If it be neglected, e consequences will, in their measure, be as injurious as the eglect of any other of the businesses or duties of life. The alue and importance of active organisation is felt in the developents of modern associations, which are every day assuming ugmented proportions; it exists in co-operation, in unions for trade urposes, and for the promotion of art, of science, and of literature. t is the result of the voluntary exercise of personal effort. I canot help quoting the eloquent words with which Mr. Dudley Field esterday concluded his disquisition on international law: "the end

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§ 15, 17, 20, 21, 22, 23, 25, for excluding the possibility of error or fraud; § 18, 19, 24, for dealing with voting papers in which the first-named candidate unsuccessful; § 26, for verifying the accuracy of the whole result; and §§ 29, 30, 31, for regulating occasional elections on deaths, &c. Two clauses, §§ 12, 13, e not necessarily connected with the system.

of all government is the freedom and happiness of the individual man."

Volumes may be written on this vast subject. I shall in this paper confine myself to two or three points.

I. The alleged unsuitableness of the system to English habits.

Lord Russell, in the new edition of his essay on the constitution, says, "I trust the suffrage will be extended on good old English principles, and in conformity with good old English notions of representation. I should be sorry to see the dangers of universal suffrage and of unlimited democracy averted or sought to be averted by contrivances altogether unknown to our habits, such as the plan of Mr. Hare." But is anything really proposed which can be characterised as strange or foreign to the present habits of Englishmen? The voter at the polling booth now states orally the name of the candidate for whom he votes: and it is proposed instead, that his vote shall be given on paper. So far as the immediate action of the elector is concerned, this is the utmost extent of the change, and this can hardly be said to be unknown to our habits since voting papers have been adopted for the universities. It is true that the power or weight of the vote is capable of being very greatly increased for the elector, if he has other preferences than for the candidates who have actually addressed his constituency; if he desires to express his confidence in or give his support to, other public men, he is at liberty to place their names on his voting paper, with or without that of the local candidate, but he is not bound to do this. It is left entirely to his own sense of public duty. No elector is required to use any of the larger powers given to him,—he may form his judgment and exercise it by his vote in the same manner as he does at present.

It would be well if we could have some definition of the "old English principles and notions of representation," which deserve to be called "good," that we may discover whether there be in them anything inconsistent with the proposed method. I presume that the true notion is that the elector shall be represented as perfectly as possible, and the novelty of my proposal is simply that, to this end, I seek to give him a very much larger field from which to choose those with whom he most entirely agrees. In early times no doubt it was impossible for the inhabitants of towns distant from one another, and with few roads or facilities of communication, to exercise their franchise otherwise than separately; and even at this day each locality must have its own centre of action. So it was with regard to commercial intercourse; when there were scarcely any means of transporting commodities from one town or country to another, there would be no desire for freedom of trade. That which was first a necessity became gradually to be thought a law of nature or a principle of political wisdom; but with facilities of interchange and of transport grew up new desires. Legislators, however, thought themselves wise enough to prescribe the rules of conduct, which should be productive of national wealth, and to prevent the industry of one place interfering with that of another: they established protections

ıd prohibitions of every kind. We know the history of the struggle hich, within the last few years, has succeeded in emancipating the ade of the kingdom from these trammels. It is the progress of ›velopment overcoming the doctrine of repression. It opens to our ›nsideration the improvements which may be made in social science ' an equally free interchange of thought and effort in the composi-ɔn of the representative bodies by whom the political arrangements ' society are to be governed. To give perfect and unrestricted ope to the exercise of the knowledge and judgment of every elector, is absolutely necessary to emancipate him from the bonds by which ; is now confined to a particular constituency, and prevented from lying himself with any of those, throughout the body to be repre-›nted, with whom he has the greatest sympathy. To say that it not necessary now, because in earlier times communication was fficult or impossible, would be as reasonable as to say hat as free ade was not needed in the infancy of society, when each community ›pended on its own productions, it is therefore unnecessary now.

II. Tendencies of systems to increase or diminish corruption.

In the essay before quoted, Lord Russell adds :—" Mechanical in-›ntions and physical discoveries have no assignable limits, but it is fficult to believe, in this age of the world, that there are models of ›vernment still untried, promising a cup of felicity and freedom hich England has not yet tasted." Can nothing, then, be done to 'ert the general demoralisation of our constituencies, of the progress ' which we have so many examples? I confess that I do not ›lieve that civilisation is so impotent in the work of social improve-ent. The statesman does not, any more than the philosopher, mit his efforts to the material welfare of the people, or to the mere ›velopment of their mechanical and physical powers. His higher ıd nobler labours are directed to their moral and intellectual im-rovement. Witness the greater part of the discussions of this ssociation, which, with this end, seek to influence public opinion, ıd thereby the makers of the laws. " The aim of practical politics to surround any given society with the greatest possible number f circumstances of which the tendencies are beneficial, and to ›move or counteract, as far as practicable, those of which the ten-encies are injurious. A knowledge of the tendencies only, though ithout accurately predicting their conjunct result, gives us, to a ›rtain extent, this power." * The tendency of education has been › improve the moral as well as the material condition of the nations ho have had the advantage of it; the tendency of offering to men igher objects and motives of action is to diminish the influence of ›wer ones; and if our political system can open to the people a ider field of thought and effort, and thus raise the electors of ıe kingdom to a higher condition of political knowledge and a igher sense of political responsibility, a great step would be made.

In order that the people should pursue the right and eschew the

* Mill's *Logic*. Chapter on the Moral Sciences.

wrong course of action in any given case, it is surely necessary, first that it be made as clear to them as possible that one course is right and the other wrong; and, secondly, it is desirable to take away or counteract as completely as it can be done, the temptation to do wrong. Now, our electoral system has the very opposite effect in both ways. It gives the voters such a poor choice of candidates as, in nine cases out of ten, to make it difficult to ordinary persons to say which is the best or which is the worst, or why they should vote for one rather than the other; and having thus, in the eyes of the elector, reduced to its minimum his sense of the importance of his act, either to his class, his town, or to his country, the system leaves him to consider what profit can be made for himself. It teaches him to believe that the real objects of the candidate, whatever he may say, are rather personal and selfish than public and patriotic; and then, having tempted the voter to imitate the candidate, and regard his own profit or advantage, it increases that temptation to the utmost by giving an artificial and exaggerated value to his vote. It is the necessity of obtaining the votes of a certain number of electors of that constituency, in order to have the majority and secure the seat which gives to the particular votes therein their great value. The voter is able, not only to sell his own vote, but at the same time he sells the borough. Even the scrupulous candidate is thus tempted at the last moment to permit money to be spent on bribery, in order that he may not, by his apparent parsimony, throw away the benefit of the labours of all his independent friends and supporters, although, in doing so, he, in fact, robs his opponents of their just political rights. But when the seat no longer depends on the local majority—when the member becomes the representative of an unanimous constituency, and the corrupt voter has no longer the power of selling anything but his own individual vote, the bribe, if given, will be reduced to the smallest amount which will be paid for it, taking into account the money to be spent, and all the votes in the kingdom which are to be bought. Even if we supposed that 50 or 100 candidates found their way into the House by this means, it will be an enormous step in the progress towards a better order of things, that the remaining 550 members are elected by the independent suffrages of the electors who are inaccessible to corruption. The moral disease of our political condition is dealt with as the physician would deal with physical evil, such as cholera or other pestilence. The tainted cases are isolated and prevented from affecting those who are in health, and are at the same time placed under conditions in which remedial influences may be applied, as a healthy public opinion shall grow up.

While the demoralising influences are thus incalculably lessened, the disposition of the voter to act according to his best opinion is almost infinitely increased. There are few who are not susceptible of some impressions in which their fellows are concerned, and which would be appealed to if his choice of candidates were unlimited. Indeed, half the objections to the proposed system are that electors would

be able to pursue crotchets of their own of more or less singularity or insignificance;* but, surely, if we cannot expect to inspire them all at once with absolute wisdom, it is better to accept and encourage their imperfect efforts towards a higher standard of motive and a nobler political life than leave them still in the slough of corruption.

III. The distribution or grouping of seats or constituencies.

This should be settled on some equitable principle, applicable alike to all places, and not by any arbitrary selection of towns or districts. Enfranchisement, disfranchisement, and grouping of boroughs, in the manner hitherto proposed in parliament, have been in a high degree unequal and partial and cannot be expected to be satisfactory or permanent. No scheme has ever been proposed which would give to all places the fair share in the representation which is equivalent to their numbers or their wealth, and no intelligible principle has been propounded to regulate the distribution on other grounds than the property or numbers of the inhabitants. What is there in the intellect or the discernment or the honesty of the voters in our smaller towns, that their opinions should be worth so much more than those of the larger cities. It is sometimes said that they elect members who would not be elected by the larger constituencies. But what is it that recommends them to the smaller ones? Their money, the influence of some proprietor over his tenants, or the support of a few skilful managers of the borough, who find their account from patronage or otherwise. None of these are pure influences or the evidences of any superior virtue in the elector or the candidate, and the avenues they afford to a parliamentary career are confined to a very limited circle, and one in which statesmen are not the most likely to be formed.

Representation in politics is the concentration of mental results, and what we have to gather is the collective force of the national mind. To restrict this manifestation of thought by conditions of residence or ownership is irrational for any good purpose; and can only be contrived in order that a comparatively small minority may be able to wield the political forces of the kingdom. The argument is, that it it is wise to keep down the political influence of the large and growing communities and cities, and uphold that of the smaller, the agricultural and stationary ones, in order that the party of preservation may not be overwhelmed by the party of progress; but to do this, they extinguish the very best elements of preservative force both in the greater and smaller communities, and instead of encouraging earnestness and devotion to principle, they expose all alike to negative, temporising, and demoralising influences. But the means are mistaken, even for the proposed end. There is more true and active preservative influence in Liverpool and Manchester, if full play were given to it, than in half a dozen towns which are severally placed on an equality with them. If an arbitrary grouping of smaller boroughs be attempted, Bridport, and Axminster, and Honiton, and a

* See *Fortnightly Review*, March, 1866, pp. 270, 353.

hundred others may have abundant objections to the union offered to them; and the simple solution of the difficulty is to allow them, as this scheme proposes, to group themselves. This may be done with unexceptionable justice, by fixing the number of electors which should fairly be permitted to return a member. A distributive Bill founded on this principle would not require that a single borough should be named in it, but would express one impartial rule that would govern all alike. Where shall we find that monopoly, or even superiority of virtue that entitles any constituency to object to this impartial measure of justice to the whole people? By such means alone can all persons and classes obtain their just weight in the representation. The conditions of this equal distribution would prevent any persons or classes from being swamped or excluded. I ask this power of organisation for the benefit of the workmen, the trader, the capitalist, the professional classes, that all alike may place in the councils of the nation those who best understand the legislation which they need, and that they may no longer be forced to concur in electing the men who can most skilfully affect a regard for the public at large, while they too often know little and care less for the real wants and interests of any.

REPRESSION OF CRIME.

Address by the Chairman, R. Culling Hanbury, M.P.

AMONGST the many important social questions which occupy the attention of this Association, it may, I think, be said with great truth, that none are more important than those which have to do with the repression of crime. Even to those who have not given to the subject much of their time and thought, and who are mere casual observers, it must be apparent how greatly the social well-being of a country is bound up with the existence or non-existence of a criminal class, and with the success of efforts to repress crime. That crime exists amongst us to a very large extent, we need not stop to prove; our judicial statistics, and the other blue books on the subject show that here, as in every other country, there is a vast population whose very life and existence are dependent on their success in crime. The police know of upwards of 116,000 criminals, and we may perhaps, fairly assume that there are many more not known to the police. Of these a very large proportion show, by the number of their commitments, that they are no mere novices, but that crime has been adopted as a calling. During last year nearly 46,000 prisoners were committed, who had been previously found guilty; of whom about 8,000 had been com-

mitted twice, 4,500 three times, and 3,600 above ten times. To domicile this immense population when not in prison, there are no fewer than 20,000 houses of bad repute.

But the existence of this criminal class comes before us in another shape, when we are called upon both nationally and locally to defray the cost of repressing and punishing crime. Our police force costs us a million and three quarters annually, our convict prisons a quarter of a million, and our local prisons nearly £600,000. Altogether, these statistics show us that we pay more than two and a half millions every year under the head of crime.

It becomes, then, of the first importance to us socially to consider how we may best repress crime. We do not now stop to inquire whether this is by any means possible. Happily we have passed that point, and the experience of years has shown that wise and judicious measures may be adopted which shall not only work good to the individual offender in his own reformation, but which shall be of immense benefit to the community in the diminution of the aggregate of crime. On this occasion, speaking especially of the more serious offences which are punished with sentences to our convict prisons, we are able to refer with some satisfaction to very manifest and encouraging results of our efforts. Most who were not prepared for such a result by their intimate acquaintance with the facts, were doubtless astonished at the statement recently made by the First Lord of the Admiralty, that certain public works, for which provision had been made in the House of Commons on the basis of convict labour, were stopped, or their progress delayed, for the very want of that labour. This is a result which may be inconvenient as regards these particular works, but which is most gratifying to the whole community. It appears, from the last Report of the Directors of Convict Prisons, that there has been a steady and marked decrease in the number of convicts, so that not only have the Government ceased to require accommodation in several county prisons, which they had needed for years, but that there are positive vacancies in the convict prisons themselves. Those who have attended the meetings of this section in past years, who remember the long and animated discussions we have had as to our various systems of prison discipline, and who have watched the gradual introduction of those reforms which were so persistently advocated here by many of our colleagues (and first and foremost by our friend, Sir Walter Crofton), will not be slow to attribute, and I think, rightly attribute, much of this satisfactory state of things to the reforms that have been introduced, and which are so well described in the report of the directors. The system in England has been somewhat assimilated to that which had proved so successful in Ireland, and considering the short time that has elapsed, with like encouraging results. Our convicts now know that prison life is no paradise; that a hard life in gaol awaits those who would not pursue labour out of doors; that we mean to punish, but at the same time to reform; that for their sakes as well as our own, we must and will repress crime. And I trust we may assume that the diminution of

prisoners received in our convict prisons—from 2,608 in 1863, to 1,935 in 1865, with a fair proportion of decrease in the number of re-committals—shows that we are now effectually working in the repression of crime.

But on the other hand, I fear there are abundant evidences to show that our work is by no means accomplished; and that we must still, not only prosecute our present plans, but devise fresh means to meet that part of the evil not yet reached. It is not encouraging to find that, notwithstanding the acknowledged success of our reformatory system, juvenile crime has not diminished. In his report for this year, Mr. Turner, the government inspector, gives the returns of juvenile offenders committed to prison for the last seven years, and shows the considerable increase of nearly 800 in 1865, as compared with 1864, the numbers being 9,640 against 8,857. And again, while, as we have seen, there has been a decrease in convicts, the committals to borough and county gaols of adult offenders has also slightly increased. These facts seem to show (what, indeed, Mr. Turner proves as regards juveniles sent to reformatories), that the decrease is in the more serious crimes, though not in the actual number of offenders. Mr. Turner says that there is "a marked change in the moral and criminal condition of the young offenders now committed to reformatories. The trained, hardened young thief, who had earned his experience and acquired his skill by years of depredation, is now a thing of the past. Both he and the professional thief trainer who trained him have comparatively disappeared. The mass of what are called juvenile offenders are petty pilferers, passers of bad money, &c., mostly under thirteen or fourteen years of age. In the majority of instances, they are children going wrong from the want of proper training and restraint, and the absence of a decent home, rather than members of a professed brotherhood associated to prosecute the art of robbery." It thus appears that serious crimes have diminished, but not the actual number of offences, and that while reformatories are effectual in the cure of those brought under their influence, they have not diminished the amount of juvenile crime. From this we deduce two things. First, our convict prisons have been improved, and our system made to harmonise with common sense and justice; and the result is, decrease of serious crimes. The like system must be brought to bear on our borough and county gaols, which have the care of the lighter but the more numerous offenders. It is, perhaps, scarcely necessary now to refer to the acknowledged evils which exist in connection with many of our gaols; to acknowledge the evil is in some measure, at least, to provide the remedy, and this also we trust and believe is being brought about through the influence of our friend Sir Walter Crofton, who, we rejoiced to know, had been selected by the government for an important post in connexion with the borough and county gaols. He showed us at a former meeting what was possible in one gaol (that at Winchester) where he had been associated with the visiting justices in working out a reform; and we may well be sanguine that

when all our gaols adopt a uniform and equitable system, one that is both deterrent and reforming, we shall see the same results as have marked the working of our improved convict system.

And then with regard to juvenile crime, we have found out how to *reform*, but we have not succeeded in preventing; and when we remember the large number of Refuges, Homes, and Industrial Schools which are engaged in this work of prevention, we might at first sight be discouraged, and think that all our efforts were in vain. But on further inquiry we shall find, as from my own experience I can abundantly testify, that the same or even a greater success has attended these voluntary institutions; and that, as regards the children brought within their influence, we have, in the great majority of cases, effectually succeeded in preventing their falling into crime. The fault is not in the agency or the means employed, but in the insufficiency of that agency to reach the mass of ignorance and neglect which so surely germinates into crime. Our voluntary institutions are not sufficient to reach more than a very small proportion of the thousands of uneducated and destitute children; and I cannot refrain from expressing my conviction, that the duty which now lies most heavily upon us is to provide adequate means for the education of the uneducated, if we would not go back to even a worse state of crime. Our populations are rapidly increasing, and our means of education are not even equal to the numbers already around us. I speak of course (and more particularly in reference to the repression of crime) of those who but too surely, as experience teaches us, form the bulk of our criminal class as they advance into life. I will not detain you by attempting to enter into a discussion of this question: but in reviewing our work, and having had so much to do, personally, with these preventive institutions, I could not hesitate thus to state my conviction. I must, however, meet an objection which has been frequently urged against schools which thus educate and train, and in some cases feed and clothe these destitute children free of expense. It has been said that they act as a premium to crime, by inducing parents to abandon their children. A more intimate acquaintance with the subject, and a deeper insight into the feelings and condition of this class of people, will prove the fallacy of the objection. For on the one hand, supposing the child were thus turned adrift with the possibility that it would be cared for by others, would it not betoken such a low and degraded state in the parents, as to shew that both for the sake of the child and the community, the sooner he was thus cared for the better? But on the other hand, as a matter of fact, it is no small sacrifice to the parents to have their children removed, if they design them for this life of thieving or begging, as there is at once a positive loss to them of the child's earnings, which is not counterbalanced by escaping the cost of keeping him. And then again we hear sometimes of the injustice of educating these neglected and destitute children free, when the industrious and honest poor have to pay for the education of their children. Now, I firmly believe that there is no class more interested in the establishment of

these institutions, or more benefitted by them than the honest poor, whose children are most liable to be corrupted and ruined by evil example and surrounding temptation. A profligate and vicious child may corrupt and lead astray a whole street. Hence, the entire community, and not least, the poor who are forced to live in their midst, are interested in the education and right training of these destitute children who furnish the bulk of our vagrants and criminals. I trust that, whether by Government aid or by an increase of voluntary agency, or by whatever means, we shall resolutely turn our serious attention to this point; and not, after all we have done, have to acknowledge that juvenile criminals are still as numerous as ever, even though they be less hardened.

In further prosecution of our labours in former years, we have at this Meeting to consider several very important subjects in their relation to the repression of crime. These are to be introduced to us by papers from men who are well qualified to deal with the questions they have undertaken, and I doubt not the result of our discussions will be to throw much light on these points, and to aid in whatever action may hereafter become necessary. Met as we are in this city of Manchester, it can but be a matter of great interest that we should turn our attention to those questions which so vitally affect all our large centres of industry: and we shall doubtless have the advantage of the experience of men who, engaged in the active duties of life in this busy place, have found time to devote to the welfare of their fellow citizens.

And, alluding to Manchester, I cannot refrain from quoting a striking fact connected with the crime of this city. Some few years ago it was found that though the population was greatly on the increase, the number of apprehensions by the police for crimes of various kinds had considerably decreased. It was then ascertained that simultaneously with this decrease of crime, great efforts had been made to promote the circulation of the bible amongst the lower classes, the number of copies distributed having increased from between 5,000 and 10,000 to upwards of 96,000. This fact, I think, well illustrates the influence of the bible in the repression of crime, and points to the importance of that religious education which, I rejoice to know, so largely pervades our reformatory institutions. While we spare no pains to amend our prison discipline, and to extend and improve our machinery, we must never overlook the true basis of all our work, a sound scriptural education. With the bible as our text book and standard, can we alone hope effectually to succeed in our efforts to diminish and repress crime.

LIFE SENTENCES.

Brief Remarks on the Treatment of Criminals under Imprisonment for Life. *By* M. D. HILL, Q.C.

CAPITAL Punishment, though retained in our criminal code, will probably be reserved for culprits convicted of deliberate murder. If so, the convicts to whom imprisonment for life will be applicable, may be ranged in two classes. First:—such as, by ferocity of disposition, or, in gusts of ungoverned passion, have inflicted death, or serious, permanent, and irremediable injury on the objects of their attack; and, in this class, will be included criminals guilty of murder in the highest degree, if reprieved by the Crown. Second:—convicts, whom repeated convictions after punishment for felony, or for grave misdemeanors, like perjury, the obtaining money or goods on false pretences, or the wilful uttering of base coin, have shown to be incorrigible.

The protection of the public demands that offenders condemned to imprisonment for life should be sent to a gaol specially erected to receive them, from which escape should be made absolutely impossible, and discharge so difficult that it could rarely occur.

I would propose that the Secretary of State for the Home Department should not advise the Crown to exercise its prerogative of mercy prior to an investigation of each case by the Judicial Committee of the Privy Council, or a sub-committee of that body, and that it should be only called into action upon their recommendation; no case to be brought before such committee, or sub-committee, without the assent of the Secretary of State. For regulations to this effect, I think the Crown possesses ample powers without the aid of the legislature; but if an Act of Parliament prove necessary or expedient, the Home Office would probably find no difficulty in obtaining it. These provisions would reduce such references to the Committee to a very small number,—the smaller, as I should propose to disallow altogether any claim to release arising from danger to the life of the convict, as the result of continued imprisonment. Such danger, where it exists, ought, I think, to be considered as a necessary incident of the fate which he has brought upon himself. Lunatics are never discharged on such a ground; and thousands of honest men annually fall a sacrifice to the perils of their callings in life, civil and military. Why, then, an exception should be made in favour of criminals, I am unable to discern. Nothing, doubtless, should be omitted to ensure their health, which is compatible with imprisonment; but, to go beyond that point is productive of most pernicious results. Convicts discharged in consideration of the danger to which I have referred, have been re-convicted for offences precisely similar to those for which they were first punished. I remember an instance in which a

culprit in gaol under conviction for the detestable offence of rape, was released on the ground of danger to his life from the effects of confinement; yet did this wretch repeat his crime after no long interval.

Thus, I contemplate that the vast majority of convicts sentenced to perpetual imprisonment will change their gaol only for their grave. Such an inexorable fate, when it became known, would have, I believe, all the deterrent effect which punishment is competent to produce, unless, indeed, the treatment of the prisoner were made such as to excite the envy of poor labourers at large. For myself, I do not think this a very probable event, even if we were to recur, as we never shall do, to the false indulgence now happily in course of eradication from our prison discipline. Confinement to one spot, with more or less of isolation, with severe restrictions upon correspondence and exclusion from knowledge of what is passing in the world beyond the walls would be, in every rank of life, savè to persons very exceptionally constituted, a hardship all but intolerable. But when to these privations you add abstinence from alcoholic beverages of every kind, and from tobacco, you present a state of things to the minds of those likely to yield to the temptations which consign men to prisons nearly as repulsive as can well be imagined. Indeed, such a regimen, when combined with long hours of labour, plank beds, and no more time for sleep than nature requires, would form a system of treatment so depressing to the mind of the criminal that, if he were rendered hopeless of mitigating its severity by good conduct, appalling consequences might be expected. His life might be shortened by despair, even if he were not driven to suicide.

We are thus forced upon a problem not easy to solve, namely, how, by the relaxation of harsh discipline, to inspire the criminal with hope, without leading those who might be tempted to follow his example in crime to underrate the misery of his lot. When the prisoner knows that his confinement must come to an end, either because his term of imprisonment will expire or because he is in course of working himself out of prison by industry and good conduct, the danger of reducing him to despair is obviously lessened; and, with prisoners of ordinary temperament, unless the expected return to liberty is placed at too great a distance, such a danger calls for no special attention. But in cases of imprisonment for life, in which the number of discharges is to be insignificant, the hope of a return to society cannot have a practical operation. Our expedients for exciting hope are limited, therefore, to affording him opportunities of bettering his condition in the gaol itself. And, for the reasons to which I have adverted, even that amelioration must be slow in progress, and must lead to nothing which persons at large would not consider a miserable state of life. As he is not to ascend to any great height, and yet, as it is important that his rise, though slow, should be, unless from his own fault, continuous (or at least stationary only for short intervals), it is evident that, at the commencement of his incarceration, he must be placed in a very low position indeed.

The class of prisoners who have deprived a fellow creature of life, or diminished his comfort and enjoyment by the infliction of grave personal injury, should, I think for a period more or less considerable, be placed in irons, heavy at first, as heavy indeed as nature can support; yet to be promptly lightened by good conduct, until at last, they are reduced to one ring; and even that one may eventually be withdrawn. This infliction of irons to be superadded to all the visitations undergone by convicts in penal servitude; which visitations may be also multiplied and increased in severity in the earlier stages. To these earlier stages the prisoner is to be sent back in cases of misconduct, and then left to work himself up again.

Although, as I have shewn, when the culprit is shut out from all but the mere possibility of regaining his liberty, the means of inspiring him with hope are reduced to narrow limits, yet it must not be forgotten that some facilities for appropriate treatment of prisoners for life arise out of the very absence of all necessity for so training the convict, as to endow him with such a capacity for self-government as shall enable him to maintain a self-supporting position on his return to society. When this return is to be provided for, it is found essential that it should be kept in view from a very early stage of the punishment. No fair opportunity must be lost of giving the convict some power over his own actions; beginning with very slight relaxations of control, but approaching, by the time of his discharge, to a state differing comparatively little from that which he will enjoy when he finds himself on the outside of the prison gates with his ticket-of-leave in his hand. As regards prisoners for life, however, relaxations from strict and minute control need not begin until a later period, and should never extend so far as to place the criminal in a position similar to that which Sir Walter Crofton calls his "intermediate stage in penal servitude." On the other hand, as it is not essential that he should form such habits of industry as will enable him to hold his place in the struggle undergone by a free labourer, indulgence may, after a term of years, be afforded by a diminution of his hours of toil, by m[illegible] his bed more [illegible]fortable, and by lengthening his [illegible]

that c[illegible]e taken to make all prisoners [illegible]inted [illegible]es by which, if they persevere [illegible]ond[illegible] gradually mitigate the hard- [illegible] they [illegible] be enabled to see that such [illegible]ts a[illegible]d the indulgences to which I [illegible]he f[illegible] of them.

[illegible]are [illegible]sibly be doubted whether the [illegible]n [illegible]of his treatment will suffice to [illegible]o[illegible]langerous depression; since it [illegible]ition which even the humblest [illegible]w[illegible]e of even tolerable welfare. [illegible]assured by the reflection that [illegible]prising even a state of pain or [illegible]y course of alleviation. To the

individual himself, the degree in the scale which at any particular moment he occupies, is of far less importance to his happiness than the fact of whether he is rising or falling—whether he is changing worse for better, or better for worse. Yet, although the well-conducted prisoner for life will derive great mental comfort from his upward progress, his position will be judged of by the class whom his fate is meant to warn, not by the criterion of his feelings, but from his outward circumstances, which will never become such as much to diminish their horror of his punishment.

As to the second class of prisoners for life, namely, incorrigible offenders against the rights of property, they ought not, I think, to be subjected to the hardships and degradation of irons; but in all other respects I would recommend that the difference of treatment between them and the prisoners of the first class should be but slight.

THE REPRESSION OF INFANTICIDE.

Infanticide, with reference to the best means of its Prevention. By EDWIN LANKESTER, M.D., F.R.S., *Coroner for Central Middlesex.*

I APPREHEND it was the object of the framers of the question to be discussed in this section this morning to confine the term infanticide to the wilful and violent destruction of the lives of newly-born children, whose bodies were afterwards exposed or concealed. At the same time it should be remembered that the crime of murdering children, and exposing or concealing them, is not confined to those newly born, and that a large number of children are annually found dead in our streets, or otherwise exposed or concealed, who have lived for some weeks, months, or even years. Within the last three months, I have held inquests on three children, one aged two months, another six months, and a third eighteen months, who were found dead in the streets of London, and bearing marks upon their bodies of having been deprived of life by violence. In the last four years I have held inquests on not less than twelve children who were above two weeks of age, and who were exposed or concealed in various ways. I wish to draw attention to this fact in order to raise the inquiry as to whether our indifference to the destruction of newly-born infant life may not be paving the way to an increasing disregard of infant life, and a disposition to destroy it whenever it stands in the way of the selfishness of those whose sacred duty it is to secure its protection and welfare.

Confining myself then to the inquiry as to what is the probable extent of the crime of infanticide, in relation to new-born children,

I would call your attention to the results of my own experience in the central district of Middlesex. This district contained, according to the census of 1861, a population of 805,000 persons. Allowing for increase of population since then, it probably now contains about 900,000 persons. In this district I held, in 1863, 84 inquests on newly-born children; in 1864, 100 inquests; and in 1865, 114 inquests. This includes all cases of death, whether accounted for by natural causes or otherwise. During the same years verdicts of wilful murder were returned; in 1863, in 53 cases; in 1864, in 56 cases; and in 1865, in 61 cases. Thus, in three years, there were 170 cases in which verdicts of wilful murder were returned. As there has been some doubt expressed as to whether, in all these cases, there has been sufficient evidence brought forward to justify the belief that murder has been committed, I would call attention here to the general circumstances which have been brought before the coroner's court.

1. In all these cases the children have been found exposed in the streets, or found in ponds, canals, and other places, and under circumstances which leave no doubt that they have been cast away to conceal the fact of their death.

2. In all these cases, children are newly born; they are unwashed, and present no indications of the ordinary care having been taken of them, which is bestowed on children which are born dead, when women are surrounded with the assistance which they ought to have, and which they need in the season of child-bearing. They all of them have borne the indications of having been born alive.

3. With two or, perhaps, three exceptions, there has been no attempt made to tie the cord of the child, which is an operation which is always performed where women are assisted by others, and which is regarded by all civilised nations as a necessary operation for the protection alike of the life of the mother as of the child. This fact alone clearly indicates that the child has not been still-born, and cast away on that account, or that its birth has been regular, and thrown into the street to save exposure or expense. The significance of this fact is, that the child has been borne by its mother without assistance, and that she has been ignorant of, or neglected the ordinary precaution of, the art of midwifery of tying the cord.

4. A certain proportion of the children have died from this neglect. Hæmorrhage from the untied cord takes place, and the child faints. This is shown by the empty state of the heart and the ex-sanguineous state of the organs of the body. In these cases it is sometimes urged that the woman might be taken with the pangs of labour before she was aware of it, and, being too feeble to call assistance, the child has died in consequence. It is, however, quite as easy to kill a person by neglect as by violence; and it is always presumable in these cases that the neglect was intentional, and that should the suspected persons be found out, they must prove their innocence when tried on the coroner's inquisition. It is in this class of cases that coroners' juries are always inclined to give the benefit of the doubt to the

unknown mother, lest she should be found out, and tried and suffer capitally for the offence. It seems to me, however, that these are cases in which the suspicion of wilful murder is very great, and that women thus neglecting their offspring should take their trial for the offence.

5. Another class of these cases present all the appearances of suffocation. There are no marks of injury on the body. The face is livid; the tongue protrudes; the brain, lungs, and right side of the heart are congested. These are children who have been suffocated by neglect. They are not removed from their mother, and are either suffocated in the discharges of their mother, or for want of fresh air under the bed-clothes. The same excuses are made for not delivering a verdict of wilful murder in these cases as in the last.

6. In a large proportion of cases the dead body bears marks of violence. In one class of these cases the child has evidently been suffocated by violence. The features of the face show marks of compression by violence, or finger-marks are plainly seen on each side of the nose or on the throat. Frequently ligatures are found tied tight round the throats of children, or foreign substances are stuffed into the mouth and down the throat. There can be little doubt that in these cases the child has been wilfully murdered. It not unfrequently happens that a child presents the appearance of having been washed. This appearance, in connection with the signs of suffocation, clearly points to drowning as the means by which the child was killed. In another class of cases, the child presents marks of blows and severe injuries. The skull is fractured, the throat is cut; it has been stabbed or otherwise subjected to destructive violence. These cases, when fully investigated, cannot fail to produce the impression that the child has been brutally and cruelly murdered. At the same time, in both these groups of cases coroners' juries are occasionally influenced by what they hear about cases where women are tried for the murder of their children, on whom marks of violence are found. The most preposterous theories are offered to account for ligatures around the throats of children, and for fractured skulls; and juries deliver verdicts against the conclusions of common sense and reason.

That violence should be had recourse to at all in these cases, when life may so easily be destroyed by neglect, has sometimes excited surprise. But when it is remembered that probably the whole of these children are born in houses where there are numbers of residents, and that frequently the first efforts at respiration of the newborn child are attended with crying, it can be easily imagined that violence is at once inflicted on the child to prevent its cries from calling the attention of others in the house to its existence. Now I apprehend it is not necessary for our purpose here to inquire whether, in each individual case before us, there was such a special intention of destroying the lives of these children as would lead society to demand that the perpetrators of this crime should be

punished. What we are anxious to know is what are the best means by which this infant death and concealment of the birth may be prevented. The question of murder or not murder may be left, but here is the fact of 170 children found dead in three years, amongst 900,000 people, under circumstances which at least exposes a certain number of persons to the suspicion of having been guilty of murder. Nor can we regard the verdict of wilful murder as pointing to all suspicious cases. In the three years 1863-4-5, there have been verdicts of "found dead" in thirty-two cases, thus making 202 cases. These open verdicts have been returned because the bodies were in too advanced a state of decomposition, when found, to enable the medical witness to give an opinion as to the cause of death. To suppose that these cases are less suspicious than those in which verdicts of wilful murder are returned would be an absurdity. But this does not give the whole amount of suspicious new-born infant death. There are still fifty-eight cases of death in which verdicts of still-born, accidental, and natural death have been returned, in the history of which, to say the least, there is much to lead to the presumption that human wilfulness has led to the destruction of life.

Now I quite allow that in these cases there is a large margin for difference of opinion as to the cause of death of these children, but as the result of a close personal investigation of those cases, I am impressed with the fact that in the great majority the destruction of the life of the infant was intended; and I am so, not only on the ground of the evidence adduced at the inquests on these children, but in the deficiency of evidence to show that there was any other cause of the death of these children than the wilful intention of their parents to destroy them. In the course of my experience a large number of the unhappy mothers of these children have been detected, and in none of these cases do I remember satisfactory proof being given that the child came to its death otherwise than by the wilful neglect or violence of its mother. That few or none of these women have been punished arises from the fact that we have no efficient law against the murder of children at the time of their birth. A woman, against whom the capital charge of murder is not sustained, may be tried for the concealment of the birth of her child; but, at the present day, a woman might enter a court of justice and say to the judge, I have brought my dead child, which I murdered before it was born, and now I have cleared myself from all charges that can be brought against me by the laws of my country. Nay, further, she may deny having given birth to the child; but, producing it dead, it has been held she has not concealed the birth of her child. I have selected such a case in my third annual report.

But to return to the question of numbers, because it is most important in adopting remedial measures that we should have some idea of the extent of the crime we wish to prevent. Supposing all the deaths of new-born children were wilful, this would give us the high proportion of eighty-six, as an average of the last three years, in

central Middlesex; but, allowing for cases of still-birth, and what may be accidental death in these cases, I do not think that the number, seventy, is too high to express the real number of cases of infanticide occurring in central Middlesex annually. Taking, then, this reduced number, the question comes as to whether this includes all cases of infanticide that occur in the district. Now, when it is remembered that the cases which come before the coroner's court are only those which have been clumsily put away, thrown into some neighbouring street, or pond, it has always appeared to me that a large number of bodies of infants have been successfully put away, which never come to light, and on which no inquiry is held. The facts on which such a supposition is founded I will only briefly refer to.

1. A number of the bodies of infants, on which inquests are held, are in such a state of décomposition, that it is reasonable to suppose that, had they remained concealed where they were found only a few weeks longer, no remains of them would be left at all. This is especially the case with bodies thrown into water, where they are only discovered when no means have been taken to keep them at the bottom of the water.

2. It is very probable that when persons have the opportunity the bodies of infants would be buried in the ground. Where this is done it is seldom that any discovery of their remains is made. The only two cases of children buried, on which I have held inquests, were cases in which the mothers had revealed to others the fact that they had buried their children. That infants thus disposed of elude inquiry is rendered very probable, by the fact of the occasional discovery of such remains, in a condition of decomposition, that renders recognition and subsequent investigation almost impossible.

3. The practice of allowing undertakers to bury still-born children, upon the slightest possible evidence of the fact that the bodies brought to them are really what they are represented to be, renders it very probable that children may be destroyed at their birth, and buried as still-born children, who nevertheless had lived and been destroyed after their birth.

That under these circumstances we should admit the probability of a larger amount of violent deaths amongst infants, than is accounted for by inquests on new-born children, I have no doubt, and the question comes in estimating the probable amount of destruction of infant life, how large a figure we should put down for those undiscovered cases of infanticide. Some writers have suggested that for every body discovered there is another securely concealed, and adopting this calculation as not altogether improbable, I have endeavoured to show, in my annual report, to what extent the crime of infanticide probably prevails in this country. Of course all such calculations are liable to correction by accurate observation, and it may happen that the deduction errs in too high or too low an estimate of unobserved probabilities.

I *shall not* now enter into any further calculations with regard to

the question of infanticide in the central district, but proceed to inquire as to whether any data exist to determine the frequency of this crime in other parts of England. From the returns published by the government for 1864, it would appear that the number of inquests held on children under one year of age in the metropolitan coroners' districts, is about the same, in proportion to the population, as that of the central district of Middlesex, so that we may conclude that deaths from infanticide are about the same. From the same returns I gather that the inquests held on children under one year of age throughout England and Wales are not so numerous as those in London. In London the proportion is about 1 in 3,000 of the population, whilst in all England and Wales it is 1 in 4,500 of the population. If, then, the proportion of infanticide in these cases is equal to what it is in the central district of Middlesex, I calculate that in England and Wales there cannot be fewer than 1,000 cases of infanticide annually.

I refrain from putting these figures in other forms; but those accustomed to work out probabilities by a deductive process when observed data are insufficient, will see in these calculations sufficient to alarm and awaken interest in the question before us.

I am not prepared to point out any immediate plan of action by which this great crime can be prevented, but I would make the following suggestions by the way of paving the way for a free discussion of the subject :—

In the first place it seems to me that the attention of the moralist and philanthropist should be drawn to the fearful picture of immorality which this crime brings before us. Put the case as you may, the suspected destruction of 1,000 infant lives annually by their mothers, in a country boasting of its civilisation and christianity, is a fearful blot. I have charitably hoped that a mother commits this crime but once in her life, and have been laughed at for the supposition, but whether we have 1,000 women, who annually take the lives of their children, or 40,000 women who have at some time or another done so, seems to me of little consequence in considering the best means of preventing the crime. It undoubtedly suits the purpose of some writers to draw a veil over this crime, and to endeavour to blind the eyes of the public to the foul blot it is in the eyes of the world on our boasted morality and civilisation ; but it is for those who are anxious to maintain the honour of our nation to seek by all means to prevent this crime. I think then it behoves all engaged in the education of the youth of this country, in whatever station they are placed, to ask themselves if there has been sufficient earnestness in instructing the young as to the sin and guilt of illicit intercourse. The utter recklessness with which men regard the consequences of their conduct is seen in the fact that in the institutions where the offspring of unmarried women are taken care of, that not more than one father in fifty is found who contributes anything to the support of his illegitimate offspring.

Whether the law could reach the fathers in these cases is, in the

second place, a question for consideration. As the law now stands, the difficulties of making the father legally responsible for his offspring are so great, that practically, few women avail themselves of it for the purpose of procuring aid from the fathers of their offspring. Such a change in the law as would compel men more generally to support their children, would not only act by removing one great temptation to infanticide, but would secure both the life of the mother and the child.

The question of the saving of the life of the mother seldom enters into the discussion of this question; yet I think it can be shown that a very large proportion of the mothers who have born these murdered children have lost their lives by attempting to conceal their shame and crime.

In several cases which have come before me, where women have been detected after the crime of infanticide, they have lost their lives as the result. Nor is this to be wondered at. In every civilised society the art of the midwife is recognised as a means of saving human life. and the humblest woman in the community seeks the aid of some skilled person to attend her in the "hour of nature's peril." In the case of infanticide, the woman is alone, and runs all the hazard to avoid that for which her more fortunate sisters pay so much. The consequence is, that a large amount of female life is thus annually sacrificed. It is not easy to obtain proof of this; as once a woman has got rid of the great proof of her state, the child, even a medical man may not know the malady from which his patient is suffering. There is no doubt that the pain and anxiety of discovery tends to the fatal end in cases where women have been detected, and it would be unfair to conclude from the number of these fatal cases how many die who have borne and destroyed children undiscovered. I calculate that amongst those discovered, at least one in six has subsequently died.

I would not, however, press the conclusion that one in six of the mothers of the thousand murdered children has annually perished; but putting these lost ones down at the lowest number which can be reasonably employed, the saving of the lives of the mothers of these children must be regarded as a subject demanding serious attention. With regard to any social influence, that can be brought to bear on the perpetration of this crime, I would state my conviction, that in the majority of cases, they are women employed in domestic service; in fact, when the circumstances of the crime are inquired into, it seems almost impossible that any other class of women can be implicated. In cases where girls are living at home or in lodgings, their condition is discovered long before the birth of the child, and the result is, that where the existence of pregnancy is once known, there is seldom any attempt at the destruction of the child. It is almost essential to the perpetration of this crime, that no one should be aware of the fact of the pregnancy of the mother or the birth of the child. These conditions can only be generally secured when women are in domestic service. As long as they are able to keep the secret

of their condition from others, so long may they hope, when the child is born, to prevent the fact from being known to those amongst whom they live. The crime is not often committed, or attempted, where women are sleeping with others; hence, it often happens that the cases which are discovered are those in which women attempt to deceive those with whom they live. It is necessary, in order to the effectual screening of the child from observation, that opportunity should be afforded after its birth and destruction for the mother to place it in some position where she is not suspected. This once being done, her subsequent illness or weakness may be easily explained to those around her on other grounds. It is seldom that a woman is discovered at once, if she succeeds in placing the child at some distance from the house in which she dwells. In nine cases out of ten, where the mother is discovered, it occurs in cases where the child has been found on the premises where the mother is delivered. I believe the children are always born and murdered within a few yards, or hundred yards at most, of the spot where they are found, the mother, who is always the bearer of the guilty burden, being too feeble to carry it far.

But leaving the question of prevention by the better education and control of the sexes, we have to discuss the proposals of those who propose to take care of mothers and children, who might be supposed to be the perpetrators and victims of this crime. The remedy proposed is that of protecting the women who have been seduced, and who are willing to place themselves in institutions where they may be taken care of during their confinement, and their offspring afterwards brought up and cared for. A number of institutions having this object in view are now before the public, and, from the opportunities I have had of observing their working, I believe that they are doing a certain amount of good by protecting from the temptation of destroying their offspring the women who would be thus exposed without their aid. The objection urged against these institutions is, that they encourage immorality by affording a refuge to those who have gone astray; but, if it can be proved that the greater crime of murder has been prevented by overlooking the lesser sin of incontinence, I think the supporters of these institutions are justified in their endeavours to lessen the crime of infanticide.

Another class of institutions are those which take care of the child independent of the mother. These, known by the name of Foundling Hospitals, exist in various parts of the continent of Europe. It is stated, with a considerable amount of evidence to support the statement, that where these institutions exist the crime of child-murder is comparatively unknown. At the same time, the fearful amount of mortality amongst the children renders it almost a question as to whether the saving of infant life by their existence is of any account at all. The same answer, however, may be given to this question as to the last, that it is probably better for society that the child should be lost in the attempt to secure its life than that a

large number of women should be living with the consciousness of having sacrificed their offspring.

Amongst legal remedies the question comes as to whether in cases of the detection of the crime of infanticide the certainty of punishment would not prevent the frequency of the crime.

The two great legal difficulties in the way of punishment at present are, first, the requirement of proof that the dead child was fully born; and, second, the punishment of death for the commission of the crime when proved. Under these circumstances, I quite agree with the propriety of the recommendations of the Commission on Capital Punishment contained in the following clauses.

"Our attention," say the Commissioners, "has been called to the frequent failures of justice in cases of infanticide. The crime of infanticide, as distinguished from murder in general, is not known to the English law. The moment a child is born alive it is as much under the protection of the law as an adult. We have considered whether the failure of justice, which undoubtedly often occurs in such cases, may not be obviated by some change in the law which shall add to the protection of new-born children. The principal obstacle which now prevents the due enforcement of the law is the extreme difficulty of giving positive proof that the child alleged to have been murdered was completely born alive. We have given this important and difficult subject our serious attention, and we have arrived at the opinion that an Act should be passed making it an offence, punishable with penal servitude, or imprisonment at the discretion of the court, unlawfully and maliciously to inflict grievous bodily harm or serious injury upon a child during its birth, or within seven days afterwards, in case such child has subsequently died. No proof that the child was completely born alive should be required. With respect to the offence of concealment of birth, we think that no person should be liable to be convicted of such an offence upon an indictment for murder, but should be tried upon a separate indictment. The accused should not be entitled to be acquitted in either of the above cases if it should be proved on the trial that the offence amounted to murder or manslaughter."

What are the best means of preventing Infanticide? By A. Herbert Safford.

"THAT a mother should be capable of killing her infant is a fact that even the strong intellect of man cannot compass, and we consequently rarely find a jury that returns a verdict of wilful murder against a woman so accused. This immunity does not work well. It seems to encourage immorality, and one crime leads to another. It is known that thousands of infants meet untimely

deaths, and we may be justified in assuming that other thousands, of whom we never hear, come to a like end." Thus the "Observer" of some years since remarked; yet, in spite of all that has been written and said upon this subject of a similar character, legislation stands where it did. Feeling fully the difficulty of the question, it is my intention, not so much to state facts that have come under my own observation as to offer the opinion of others, and the deductions I draw therefrom. I propose to offer for consideration the history of legislation as regards the repression of infanticide, first by punishment, and then by the provision for the maintenance of illegitimate children; and thus to arrive at the best means to prevent child-murder.

First, then, by punishment. The statute 21 James I., cap. 27, recites, "That whereas many lewd women, having been delivered of bastard children, to avoid their shame, and escape punishment, do secretly bury or conceal the death of their children, and allege after the child has been found dead that the said child was born dead, it is enacted that if any woman privately, either by herself, or other, conceals the death of a bastard child, she, upon conviction, shall suffer death; unless she shall prove by one witness that the child was born dead." Sir Fortunatus Dwarris, in observing on this statute, remarks: "It seems to have been borrowed from Denmark. It was an ordinance of a barbarous character, presuming crime, and that in opposition to natural feelings and the workings of a mother's affection." Yet, barbarous as it was, it remained in force, being continued by the 16 Charles I., till some Act should be passed authorising its discontinuance. So it was the law of the land till condemned by the 43 George III., cap. 58, section 3 of which Act states that "as the statute of James had been found difficult and inconvenient to be put in practice, cases of child-murder should be governed by the same rules of evidence as other trials for murder, concealment of birth being punishable with two years' imprisonment." This has been re-enacted by a late statute.

It seems to me the more necessary to trace the penal consequences of infanticide through the statute-books, as many persons in the present day are pressing for increased punishment as a means of repressing child-murder. A writer on the subject, in the "Essays," entitled "The Church and the World," taking this view, is, however, obliged to admit "that we can only hope, through the help of the law, to bring the public mind into a more healthy state in reference to the crime of infanticide!" Now I would ask—the severe measure of James I. having been found utterly useless to repress the crime of child-murder during the long period in which it was acted upon, can we hope that even as great severity would be more valuable at the present time? But what other means have been tried? The laws regulating the maintenance of illegitimate children. Let us see what they were, and are. By the 18 Elizabeth, cap. 3, the justices were empowered to compel both the putative father and the mother to pay a weekly sum for the maintenance of their child, which was then supported by the parish. The 49 George III.,

cap. 64, punished the neglect of either party by imprisonment. The next statute is the 4 and 5 William IV., cap. 76, which made the child dependent on its mother for subsistence, the father (if he can be found) being compelled to pay at the utmost two shillings and sixpence a week, no matter what the relative position of the parties. This is the sum now payable by the father; it was at the time of the passing of the Act a comparatively larger sum than now, and yet, even in the days of Hume, I believe it was the sum allowed to the housekeeper of a government department for the keep of each cat. The parish officers were debarred from any interference, as some of their number had been guilty (it was stated) of improper practices. Thus from that time to the present, an unfortunate mother has been left, at the hour of her greatest need, to depend entirely upon her own resources, unless she can make up her mind to publish her shame by proceeding before the magistrate for the pittance which the law may compel the putative father to pay, supposing the girl to have been sufficiently acute and careful to gather proofs against him. If, on the other hand, she has hidden from everyone her too strong love for her seducer, and has acted with apparent propriety, her difficulty in proving her case is increased.

It may be said that I am reasoning as if the women most liable to be tempted to infanticide were of one class. I believe they are, and that my experience would be confirmed by a return upon the subject. I believe that with very few exceptions—in fact, scarcely one—the women accused of child-murder are domestic servants. The reasons are obvious. What inducement beyond natural affection has a woman in that position to protect her offspring? None. But, by the murder of her child, is probable protection from open shame and ability to seek her usual employment, instead of being turned from her parents' door, she and her infant both despised rejected outcasts, to seek a refuge in the prison or the workhouse, or to support her life and its by still more awful misery, still deeper degradation, terminating in many instances by murder and suicide.

One fact alone will, I think, be sufficient to prove the fearful prevalence of infanticide. In Dr. Lankester's third report, he states that in his district alone in the year 1865, there were 348 inquests held on infants under one year, and 60 verdicts of wilful murder.

What is to be done to repress child-murder? Blackstone says: "Preventive justice is, upon every principle of reason, of humanity, and sound policy, preferable in all respects to punishing justice," and this expression of a maxim of law may warrant me in offering the following plan of prevention.

An Act of Parliament should be passed, authorising charitable societies to receive illegitimate children, and to proceed, as in the Reformatory Schools Acts, against the parents for their maintenance. The societies should receive any woman who presented herself. Her name, address, and occupation should be taken down, with the occupation of, and evidence against, the father. The child should be

educated, and placed out by the society. The woman having procured employment, and leaving, should agree to pay a weekly sum in accordance with her means. The putative father should be asked by the officer of the society to sign an agreement to pay a weekly sum. Upon the refusal or neglect of either parents, proceedings should be taken before the magistrates for an order upon the defaulting parent for such a weekly sum as, having reference to his or her position, the magistrates should deem fair and reasonable. Should the order of the magistrates be neglected, the defaulter should be liable to three months' imprisonment, upon proof being given of his or her ability to comply. The amount adjudged to be paid by either party should be wholly independent of the sum to be paid by the other. The payment of a weekly sum by the mother would do away with the possibility of encouraging immorality, and all sums being appropriated to the society's use, there would be no inducement for a bad principled woman to fix the stigma of paternity upon a rich innocent man, in the hope that by so doing she would gain more by his anxiety to prevent exposure than from the poor man who might be the actual father. The rules of the society should be approved by the government, and the institutions should be under the inspection of a public officer.

That this plan, which I have thus but imperfectly sketched, would prevent, in the great majority of instances, infanticide and prostitution, I have no doubt; but, in support of my opinion, I beg to offer the evidence of others. Sir Thomas Bernard observes: "Very rare are the instances—none has come within notice—of a woman relieved by the Foundling Hospital, and not thereby preserved from a course of prostitution." By the kindness of the Mother Superior of the Home of Compassion, at Iffley Road, Oxford, I am enabled to add the following practical results of the working of one of these societies. From May, 1864, to September, 1866, ninety-four children were admitted—of

32, the mothers contributed to their support;
7, the fathers contributed to their support;
87 mothers returned to or procured employment;
76 of these were domestic servants.

The average mortality of the children was from 25 to 30 per cent., mostly arising from atrophy and deprivation of food. There is considerable difficulty in enforcing payments—so much so that a security for the due performance of the engagement is necessary. "The fathers," says this lady, "generally fail us, leaving all to the mothers. Four mothers have relapsed into sin."

Mrs. Main, of the Infants' Home, in Coram Street, in her report for 1865, states: "Of the mothers, there have been taken into the Home, during the past fourteen months, as nurses, forty-two; of these, thirty-three have gone into employment again; and, at present, there are nine in the Home."

These facts require little comment; they prove, I submit, that instead of encouraging immorality, Infant Homes, or Foundlings,

open to the helpless mothers an opportunity to redeem their lost characters; a way to save them from the gallows or the streets, and to rescue their infants from death, or a life as thieves and vagabonds. Foundling hospitals are now almost universal. Even in China, which had earned an infamous celebrity for child-murder, "there are," says a recent writer, "foundling hospitals in every city, supported by voluntary contributions." However reluctant we may be to recognise the existence of immorality by founding such institutions, I am convinced that, managed upon a similar plan to that I have suggested, they will be the means of preventing infanticide in England.

THE EXTENSION OF CORONERS' JURISDICTION.

Should not Coroners be obliged by Law to hold Inquests in all Cases of Deaths within Union Poor-houses? By HENRY CARTWRIGHT, F.S.A., *Barrister-at-Law.*

THE common law of England looks with so tender a regard upon the safety of every man's life and liberty, that it has enforced, in all cases of the death of persons under legal duress, an inquiry into the cause of such death, and, therefore, into the circumstances immediately antecedent to it. This inquiry was to be prosecuted by an official elected by the people, whose office was anciently of such estimation, that by a statute of 3 Edward I., none could hold it under the degree of a knight. Modern statutes have embodied this common law provision, and directed that the coroner should hold an inquest on every person who may die in his district within the walls of a prison. Such a wholesome enactment presents a check upon any illegal severity affecting life, or wilful neglect of ordinary and necessary care of those who are precluded, by their state of incarceration, from providing for their physical sustenance.

But while the law is thus careful of the safety of criminal inmates of prisons, thus properly watchful that life and health should not suffer from the perpetration of cruel inflictions, or the disregard of proper sanitary precautions, are there not occupants of other institutions who are equally entitled to the same protection? Has not the pauper, from his utter helplessness, even a greater claim on any safeguard that can be devised against callous neglect of his welfare, or illegal imposition of hardships, when compelled, by natural decay or depressed circumstances, to place himself within the jurisdiction of the parochial workhouse?

The disclosures recently made of the shameful mismanagement and the cruel ill-treatment of the poor, in certain infirmaries of the London workhouses, point to the necessity of some power of investigation being placed in a tribunal, ready of access and quick in its proceedings.

The supervision of the Poor Law Board, though vested in the metropolis in the hands of an official of acknowledged integrity, has manifestly been futile, or such occurrences as those which have lately shocked every right-minded person could not have existed.

The interposition of the coroner's inquest in all cases of death within workhouses appears the readiest and best adapted mode of ensuring such an inquiry as will be most calculated to bring to light any censurable proceedings, and expose to public scrutiny the nature of the circumstances attending such death.

This inquest, while in its source of action the most popular of our institutions, is the least expensive.

Recourse to it involves no large grants of money by way of salaries or office expenses. It is readily accessible; and, though modern familiarity and ridicule have caused unthinking people to hold it in less esteem than its usefulness and antiquity deserve, it forms a valuable tribunal for the protection of the weaker members of the body politic from the oppression of power and wrong-doing.

The present condition of the poor in workhouses specially demands the guardianship of public opinion.

There has been a tendency to get rid of a legal burden on property at the lowest possible money cost. A parsimonious economy has caused the poor to be treated as unpleasant nuisances, and the relief that has been extended to them has been doled out in a way to make it most distasteful. An enlightened selfishness, apart from any higher influence, would have inaugurated a different mode of management, but, unhappily, ignorance, carelessness, or corruption, have hitherto but too frequently been allowed to divert even the small stream of benevolence intended for the sustenance of the helpless.

Yet the poor of this country have as manifest a right to fair and proper maintenance, in the event of their labour becoming valueless from loss of health or strength, as any possessor of acquired property has to the beneficial return of it; and this right is in no instance combated by the owners of large landed estates. This claim, discountenanced by the Roman law, is a fundamental emanation from the more humane spirit of Christian society. One of our great legal expositors (*Blackstone*, b. 1, sec. 131) says on this subject: "Our law not only regards life and member, and protects every man in the enjoyment of them, but also furnishes him with everything necessary for their support; for there is no man so indigent or wretched, but he may demand a supply sufficient for all the necessaries of life from the more opulent part of the community." This right, too, has been further recognised and settled by various statutes for the relief of the poor, so that at the present day, and, indeed, since the reign of Elizabeth, all land is held subject to the contingency of the maintenance of the poor.

The peculiar development which modern civilisation has exhibited has necessarily reduced to a state of abject destitution so considerable a number of the community, that one-twelfth of the whole have become in some way objects of public care; and modern

legislation with the view of checking any unnecessary extension of the class, and of guarding against indolence in those who can but will not work, has so fenced about the avenues to public charity that the recipient must be absolutely helpless before he can partake of it. The result is, that the pauper inmate of our poor-houses (for the name of workhouses grates on our feelings when applied to decayed and exhausted members of the community) is found in such a helpless condition that he is as dependent upon the care and direction of those authorities in whose charge the poor-law organisation places him, as is a mere infant upon its natural parents.

Of the amount of care extended to the pauper by those authorities, the recent exposures in the London poor-houses give an account which forms, perhaps, one of the most painful narratives of late years. They are too well known to warrant any special allusion to particular cases; suffice it to say, that the unhappy notoriety of Hackney and St. Giles' was shared by many of the richer parochial bodies; but it is of consequence to remember in what way sufferings which wrung the hearts of the whole country when described in the columns of the daily newspapers, first came to light, and by what means the dread secrets of the prison house were revealed. Not a hint of the existence of such horrors would have reached any willing or able to arrest them, but, in one case, for the brave-hearted conduct of the pauper, whose sense of injury overpowered his fear of the house regulations, and induced him to use the two stamps given him for another purpose to dispatch a letter disclosing the cruel treatment endured by his dead comrade, and in other cases by the creditable humanity and perseverance of Miss Breton, who, woman-like, sacrificed herself to call public attention to this great blot on our Christian society.

The sad visitation of the cholera under which the whole country has trembled, has, as a mercy tempering the scourge, evoked a kinder feeling towards the poor, and caused a better attention to be paid to the needs of the helpless; but is any one free from the fear that while the government of our poor remains in the hands which in some places now rule their condition, hard-hearted neglect and parsimonious severity will soon regain their ascendency, and that the sense, courage, and promptitude called to aid from external sources to meet a great emergency will be ignored? The only check is to make public the entire management of what are, though they should not be, mere places of restraint, by enforcing an examination by a constitutional authority, such as the coroner's, into the circumstances of every death which occurs within the walls of the poor-house.

The infant mortality in some union poor-houses demands this. Such an inquiry would bring to light the condition of children whose only fault is poverty, but who have a legal claim upon the commonwealth for the care and nurture which their natural parents are unable to afford them, and would exhibit them blighted, snubbed, denuded of all social affections, trained by obsequious fear into sneaking hypocrisy, with a premature mental decrepitude usurping

the cheerfulness and spring of youth. Is it to be wondered at that so many never reach the manhood for which their training would unfit them, but fall perennial sacrifices on the altar of misrule and avarice?

It is gratifying to be able to assert, that the great mass of ratepayers, especially in London, which has been disgraced by the occurrence of such fearful instances of neglect, do not wish that the poor should remain in such an unsatisfactory state, merely to obtain a petty saving in the parochial rates. They are willing to pay if their contributions could be honestly and efficiently expended, but their benevolent aspirations are thwarted by the class of men into whose hands the management has, in some districts, been allowed to fall. The rates are wasted by mismanagement and jobbery, and the cost of extravagance is compromised for, by cheating the poor of the maintenance and simple comfort, to which by our laws they are entitled, when health fails or the infirmity of old age forces them upon public charity.

That the supervision of the Poor Law Board has failed to secure humane treatment of the poor will scarcely be questioned, if reference is made to the resolutions passed at a public meeting of the Association for the Improvement of the Infirmaries of the London Workhouses, one of which, proposed by the Archbishop of York and Mr. Hughes, M.P., stated, "that the management was highly unsatisfactory, the buildings inadequate and unhealthy, medical attendance insufficient, nursing merely nominal, and the general system radically defective." This resolution, with others of a similar tendency, was formally handed to the President of the Poor Law Board on July 26th, a fortnight after he had taken office, by an influential deputation, headed by our president, Lord Shaftesbury.

It is not sought to offer anything in lieu of proper official supervision, which, as the President of the Board acknowledges, should be increased; but as it must be conceded that the supervision of the Board has not secured its object, that the condition of the poor is confessedly helpless, and that the organisation of the union poor houses is such as to place serious restraints upon personal liberty, it is advocated that it should be made obligatory on the coroner to hold an inquest on every death of a pauper which occurs within the walls of a workhouse in his district. This would afford the surest remedy for injurious treatment, and would prevent any frequent repetitions of such incidents as those which have, during the past year, harrowed the feelings and shocked the christian susceptibilities of the whole country.

On the Advantages likely to accrue from a more extended recognition of the powers and work of the Coroner's Office. By *Assistant-Surgeon* JOSEPH J. POPE, *Army Medical Staff, formerly Senior House-Surgeon to the Liverpool Southern Hospital, and Medical Officer of the Parish of Liverpool.*

THE coroner, or "crowner," whose appointment is for life, who is elected by the freeholders, and is subject in his official capacity to interference only from the Lord Chancellor, occupies a much more important position than is usually accorded to him by the general public. The power and real intention of such an office has, I fear, been gradually lost sight of by us as we have nationally advanced; and whilst legal and protective measures, doubtless of much social and public benefit, have been originated, and worked, with difficulty and expense, the very important, ancient, and in many points, equally powerful office of coroner has been lightly considered, crippled, and even in some instances ignored.

This has no doubt arisen from a want of proper appreciation of the office, a faulty view of its objects, and the narrow limit to which coroners themselves have reduced their sphere of action and obligation. The public press has unfortunately lent a hand to this curtailment of important privileges; whilst magistrates and justices, by an unnecessary and imprudent parsimony, slighting notices of energetic zeal, and an unworthy opposition, have chilled the remaining desire for extension of responsibility.

It cannot be expected that however well a coroner may be acquainted with the power and benefits of his office, he will entangle himself with the public, render himself liable to be called on for trivial explanations, to be forced into arguments troublesome and vexatious, or to arouse feelings of antagonism in his professional circle.

The Coroner's Court is looked upon as a valuable ancient institution, permitted to exist because of its age and former good service, instead of being regarded as a present and satisfactory safeguard to our well-being, a protection from evil, individually and collectively, and increasingly important.

I would therefore ask permission to bring to the notice of the Association this matter, and to solicit their views on the subject of the fuller recognition of the coroner, and the advisableness of extending his investigations to all public institutions, to communities necessarily placed under circumstances out of their own control, and to conditions that, although they may carry no legal penalties, are destructive of health, and in many instances of life.

The object of an inquest is, I would submit, simple inquiry, without any reference to future results. The office is an inquisitorial one, not in any way necessarily offensive. It should apply to occurrences, mysterious or unaccountable, to whatever interferes

with the interests or welfare of a people or community; and thus we find that the duties imposed upon a coroner in former days included investigation into all cases of fire and riot, although unattended with fatal results. It was also his "to know the particulars and circumstances respecting shipwrecks, and to determine who shall be put in possession of the goods."

True it is that society has allowed these matters to pass into other hands, and that laws, officers, and arrangements have been made respecting them; whilst the definition in a modern dictionary of the word coroner has become merely "a civil officer who inquires with a jury into casual or violent deaths."

Although the general use of the office is not, under present circumstances, required, it does seem important that the investigations which are still left as part of the duties should be as largely extended as possible. The very removal of the older responsibilities affords more time and opportunity for enlarging the perhaps most important feature in a coroner's appointment, "investigation into death-causes." And here I would suggest that this does not, in every instance, imply an assembling of a jury, or holding a formal inquest. Much of the opposition that has been felt towards anything like an extension of the coroner's office has arisen from the fact that an inquest was considered a *sine qua non* if any death was brought under public notice. The fear of publicity has thus been the means of checking the disclosure of many valuable facts, retarding science, and frequently also screening and assisting guilt.

The fact that life and death form now the basis and almost the whole of the duties of a coroner points out clearly the class of men suitable for the appointment; and the nature of the evidence offered, with the necessary talent to understand and sift scientific facts, must corroborate the view that a medical coroner is indispensable.

But his duties are not by any means to be included in the words "casual or violent deaths." Any condition or circumstance that produces such a state of affairs that a death results which would, humanly speaking, not have otherwise taken place, is a fit subject for the coroner's investigation; in other words, all preventible deaths come under his especial charge.

Not only, therefore, should the coroner work with the police-court and assizes, but also with the health officer, and in the latter position he should prove a most satisfactory check on, and at the same time an useful coadjutor to his brother officers.

If such views are allowed, it clearly points out that the coroner's office should form a distinct appointment, and that sufficient importance should be attached to it to lead men of position and ability to hold it.

In speaking thus of preventible deaths, of course I do not mean that every death is to be critically dealt with—nor would I for one moment depreciate the advantages and benefits of our present system of registration, when strictly carried out; but marked cases, repeated casualties in one locality, or frequent visits of an epidemic

to a favoured district, would place such circumstances legitimately within the range of the Coroner's Court.

Had the principle been acted on, it is not presumptuous to imagine that many lives might have been spared.

A case comes forcibly before me. Some seven years ago, a man was brought to justice for poisoning a woman in Liverpool. At the coroner's inquest, evidence was adduced which proved that three other members of the family had died unusually and somewhat suddenly. The bodies were exhumed, and poison was found in all. Each death had been registered in the ordinary way, and although forming a topic for gossip at the time, had shortly been forgotten. One thought must strike everyone, and that is this :—If the first case of unusual death, not clearly and satisfactorily diagnosed, but doubtfully certified by the surgeon, had been brought under notice (not necessarily publicly so), the probabilities are the three further murders would have been avoided, and although sufficient evidence might not have been adduced to have fixed the guilt on any person, yet the investigation conducted under authority, and by a skilled interrogator, would have checked the culprit, and have frustrated his designs.

And the extension of coroners' investigations to all public institutions would afford another most valuable protection to the public. Not only is it, to my mind, the duty of the people themselves to agitate for this as a personal protection, but it is to the advantage of the officials that such examinations should take place, and in all government establishments the necessity is more paramount.

Of late we have had sufficient disclosures in reference to the internal management of workhouses, more especially in London and its suburbs, to show most indisputably that much more supervision is necessary to ensure not merely a proper discharge of duty, but even to obtain decent and civilised treatment for those who are compelled to seek shelter within their walls.

Can there be any good reason for placing prisons and lunatic asylums within the protective circle of the Coroner's Court, and denying the same safeguard to inhabitants of workhouses? Surely, if any institution has stronger reason than another to claim interference, it must be that which is imperfectly governed, carelessly managed, defectively arranged, and grievously abused ; and that is the workhouse system. With the strict supervision of government boards, the numerous responsible officials, the frequent inspections by independent and energetic men, and the thorough discipline of such institutions as asylums and gaols, one could feel comparatively certain of sound and good treatment, and careful attention. The extra check and safeguard of regularly reporting each death to the coroner for his opinion, and, if he please, inquiry, seems unnecessary. On the other hand, how glaring is the omission when we come to consider the interior economy of our workhouses, local establishments, large societies, and extensive factories.

What startling particulars were brought to light by the inquiry that took place into the cause of death of the young milliner in

Regent-street, and for how much longer would the overcrowded and ill-ventilated work-rooms and sarcophagi of sleeping apartments have existed in the centre of fashion and midst of trade had that unfortunate young girl succumbed less easily to the evils surrounding her.

I would not for one moment believe but that my brethren of the medical profession would hail with pleasure a more extended use of the coroner's office. They know well that many deaths they certify are more or less preventible. Modesty, dislike of publicly announcing evils, or inability from position to remedy defects existing, and but too apparent, lead many cases equally important with those searched into to be passed over, and nothing short of legislation, governmental interference, and authorised investigation, will put an effectual barrier on these too common mortalities.

As the policeman protects our properties and watches over our individual interests, so the coroner should be authorised to deal with our surroundings, as far as they are likely to influence our health and lives. The cause of calamities being discovered, it then falls to the lot of others to remedy it, and to avoid repetition.

And in the trifling way and inattentive manner in which as a rule recommendations and suggestions of coroners' juries are received, we can see much of the cause of the present inefficacy of the coroner's office. The government do not seem to afford that assistance and support which the importance of the office demands. Until that is realised, we cannot hope to see the benefits obtained that are undoubtedly connected with the discharge of the functions of coroners.

To anyone who doubts the value of an inquest, or underrates the privilege that as Englishmen we enjoy from the appointment of coroners, I would only say that in India, where the large towns only possess this valuable functionary, and where even then his duties are even more circumscribed than in England, the number of deaths from foul means, avoidable evils, and certain preventible causes are alarmingly numerous.

Time after time cases appear that startle and astonish one from their audacity and barefaced character. Poisoning is there brought into daily play, and ill-treatment, neglect, and wilful injury find numerous victims. Legal investigation frequently fails to discover the culprits and certainly is abortive in checking them. Something more is wanted, and that something is a court of simple investigation, universal in its character, without being retributive in its justice.

And in order that the full benefits of a coroner's appointment may be felt, his power should be universal. Rank, position, riches, or connections should be considered for what they are worth and no more before his tribunal.

The advantages of open investigations in all institutions are threefold: to the governors and directors they are a satisfaction, to the more immediate officials both a necessary check and support, whilst to the recipients of the bounty they form a safeguard and protection.

Dr. Lankester, in his second annual report, as coroner for central

Middlesex, has made this very pertinent remark—"The moral influence of the Coroner's Court is immense;" and even if no other advantage is to be ascribed to the appointment, that is worthy of every attention. It is from this fact that I would advocate an universality of the coroner's office, and urgently claim for all institutions the privilege of such an influence. I would indeed be sorry if it was supposed that I depreciated the measures adopted by committees, sanitary officers, or medical officers of health, or that I considered it necessary merely to investigate into the existence of evils when fatal results had occurred. Much good can undoubtedly be achieved by earlier preventive measures, but the check that would be additionally present if the coroner examined into unusually fatal cases would leave but little chance for any oversight or lengthened unsanitary conditions.

I know that great difficulty would be felt in enlarging the sphere of coroners' investigations as far as the general public are concerned. It would be looked upon as an intrusion into private affairs, as an interference with the liberty of the subject. Should the time, however, arrive when the intention of the coroner's appointment is thoroughly understood, and when it is recognised not as a punitory, but merely inquisitorial office, affairs may change, and many who now dread an inquest, and imagine that blame is necessarily ascribed to some one whenever it is held, will hail with satisfaction such a sure protection from evil, and such a certain preventive from further calamity.

No reason can, however, be thus brought forward against placing workhouses, reformatories, asylums, and other public institutions under the same restrictions as gaols. It is the duty of government to afford every protection to those who are more immediately under their control. In such a course as this, therefore, they would be acting in accordance with their responsibility; they would strengthen the position of their other officers, and insure a more thorough performance of every duty in connection with life and health.

This extension of the coroner's office would not in any way interfere with existing arrangements. As in lunatic asylums that are under government control every death is reported to the coroner, so in workhouses a list of all fatal cases should be placed before him. It might not be considered necessary to hold formal investigations in one out of twenty; but, the coroner being, to my mind, intrinsically the officer appointed to "protect the lives of the people," it does seem but natural and advisable that those who are away from their fellow men, as it were, who are subject to rule and action from others placed in authority over them, who are deprived frequently of communication with strangers or friends, and who are more or less unable to oppose or decline the treatment to which they are submitted, should have the satisfaction of knowing that their interests and welfare are looked after by an independent power, authorised by government, and selected by the voice of their fellow men.

Holding as I do these views, I have ventured to bring the

subject of the further extension of the coroner's responsibilities, more especially in reference to workhouses and public institutions, before the Association for the Promotion of Social Science.

That strong opposition may be anticipated I am aware; but by discussion in such a tribunal, and by observations from able and scientific men, I am hopeful of attracting some attention to the matter and of arousing some interest, if only for a time, in a subject that seems to be of national importance.

If a strong proof be needed to convince some of the unsatisfactory condition of our present system, I think it can be found in the Report of the Registrar-General for 1864—"4,478 deaths took place in which the causes are 'not specified' or 'ill defined'; besides 3,321 sudden deaths in which the causes were investigated, often vainly, by coroner's inquest. It further appears that of those deaths for which causes are assigned, a very large proportion are 'uncertified' by any medical attendant." Surely in our present advanced state of sanitary science, and in our supposed superiority of medical skill, such a statement as this is discreditable to us as a nation.

The time cannot be far distant when our civil population will receive as much attention as our military in these matters, when the simple but all-important question of life and death will occupy an equal position with that of peace or war, and when we shall find the public as anxious to have in the Government a Minister of Health, as they are now to support responsible heads of the departments of home politics, colonial direction, or military arrangements.

It does seem to me that the more genuine and thorough recognition of the office of coroner, a more generous attention to the requirements of that appointment, and a fuller and more extended sphere of the work and responsiblity associated with it, would do much to advance not only our individual, but our national condition.

FEMALE CONVICTS.

Female Convicts, and Our Efforts to Amend Them. By Sir Walter Crofton, C.B.

YEARS have now elapsed since a president of this section very eloquently called our attention, at Liverpool, to the necessity which existed for both improving our treatment of female convicts in prison, and endeavouring to assist them on their liberation.

That president has, alas! passed from among us, and his voice will never more be heard in our discussions—but his words remain, and more than his words, for we have now, in London, a refuge associated with his name and his memory, the "Carlisle Memorial Refuge," which, for the last fifteen months, has been endeavouring to assist

those who in the convict prisons have proved, by their conduct, that they merit assistance.

In the face of certain publications, which have tended to increase both the alarm and disgust felt by the public with regard to female convicts, it has not been an easy task either to procure them employment when liberated, or to obtain work for them in the refuge.

Yet our experience of them has been contrary to what has been anticipated by many, and most certainly by those who have been readers of prison literature.

It should be borne in mind, that although there are characters in every prison similar to those which have been so graphically described in these works, they are quite exceptional, and should by no means be taken as a type of the class—even these window-smashers, and performers of other mad freaks, indicating wild indulgence of ungovernable temper, have, in some instances, evinced a decided change, and of a permament character.

My experience of "Prison Life" has not been very brief, or very unobservant, and at this moment there rise to my memory many cases of women guilty of extreme violence, resulting in acts of mania, who have subsequently changed, and from recent accounts of some particular instances, founded on an observation of many years, I believe the change to have been permanent. I am far from assuming that by any known process of treatment, we can reasonably expect the very general reformation of the inmates of our convict prisons; but I feel assured that by strenuous exertions on the part of the public—by its active co-operation with the government in the matter, we may amend a large proportion, and render others less noxious to society.

It is not the mere fact of placing the convicts in a refuge, however excellent and valuable the training in that refuge may be, which will meet the requirements of the case, a still further development is needed,—the active co-operation of the public on liberation; visits on the part of earnest persons after liberation; encouragement and aid to emigrate to countries, in which the newly formed resolutions of the women might be more easily carried out, in which neither their antecedents nor their old companions could operate to their detriment.

These arrangements can only be perfected, by the formation in our large towns of branch Associations in connection with our London committee. It is from our large and wealthy towns that a large majority of the inmates of our refuge come, and it is assuredly too much to expect that the national and very heavy task of endeavouring to amend them should entirely fall on a small London committee.

The inhabitants of Bristol, I am glad to state, duly impressed with the importance of the subject, and at once recognising their share in the work, have, at the instigation of a very able and zealous gentleman (Mr. Henry Palmer, of Clifton), formed an association, which has recently transmitted to us both donations and annual subscriptions, and will take a share in the work also. I most sincerely trust

that this example will be followed, not only in Manchester, but in Liverpool, Birmingham, and other large towns.

One or two persons, with a heartfelt interest in the cause, can stimulate others to exertion, and even if the amount collected in each town be but small, the accumulated subscriptions will be a great aid; and an interest in the work will be awakened, the importance of which cannot be over-estimated. Let us consider the result of these periodical discharges from the prisons into our midst; let us read the effect upon the colonies such persons produced, as evidenced before Sir William Molesworth's committee, and endeavour to realise what it must be in a rich community, abounding with temptations, and in which the means of contamination are so much greater.

Refuges are very valuable in themselves—they can, from the facility of dealing with women in small numbers, improve their training, and assimilate their position to that of free life, more than would be practicable in a prison.

The female convict system in England has, during the past twelve months, undergone a very important alteration.

Improvement in the position of the convict can now only be attained by industry and good conduct, which is very carefully measured by a system of marks.

The government, to its honour, has encouraged the establishment of both Protestant and Roman Catholic refuges, and the directors of convict prisons afford every possible assistance to those concerned in their management. I may hear mention that the American Government are also now assisting a refuge at Dedham, which has been instituted on the same footing as the refuges in Ireland and England.*

So far all is well; the refuges are doing their work, and are doing it admirably; the inmates are conducting themselves beyond our expectation; they are industrious, and evince many traits of character, which would astonish those who place the convict class beyond the pale of humanity. We have found much consideration for others, and very much sympathy. You will no doubt hear interesting particulars on these points in a paper by the Lady Superintendent. In fact, I may safely assert that the value of the institution is felt by the inmates, and what is to the point is, they know and feel that its stability depends more upon their own industry, than on alms-giving.

But the refuge to be of value, should act as a filter between the prisons and the public, and what have we learned from the filter?

We have learned this:—That there is a gigantic, but not an impossible work to be done beyond the doors of our refuge.

Our filter has shown us:—

1st. That we have a class, and a large one, which, although many years in crime, will on leaving the refuge struggle to amend, but they will want help and support in their earlier contact with the world, if their good resolutions are to fructify. 2nd. That we have a class of confirmed drunkards, who, if they could be kept from their besetting

* Report of State Charities, January, 1866, Boston.

vice, would become industrious and honest members of society. Some few of these may possibly be weaned from their besetment; but it is undeniable that the great majority will require the restraint of an institution in which their special temptation could not enter.

I believe that many, with a due abhorrence of their special vice and a desire to be freed from it, would, on leaving the refuge, willingly enter such institutions or temperance homes if, as on the continent, they existed, and I further believe, that their industry, for I have always observed this class to be both industrious and easy of control, would go far towards supporting such a home.*

Surely it would not be impossible to form temperance homes in different localities, and thus to co-operate with our refuge in the work of amendment.

Let us now briefly sum up our present aids and our need of further development.

1. We have now a convict system in the United Kingdom which rigidly insists on prisoners earning their tickets of license by carefully measured industry and good conduct; and I think it cannot be denied that by this process, industry is stimulated, and an amount of self-discipline and self-restraint generated which cannot be overestimated as a training for a better course of life, while such discipline, must, from its very nature, be so deterrent as to inspire a wholesome dread of prison. Moreover, we have "police supervision" over discharged convicts, which, from a recent parliamentary return, is proved to be of the highest value, both to the public and to the criminals themselves.

2.—We have refuges for both Protestants and Roman Catholics.† They have already taught us that the inmates are amenable to order and discipline without the power of physical control,—they have done more, for they have shown us that by strenuous exertion and an active co-operation on the part of the public, we may hope and expect the amendment of many, whose lives have hitherto been passed in prisons.

And now for our need of further development.

1. We earnestly desire the co-operation of large towns by the formation of branch associations in them. We need not only pecuniary aid, but correspondents who will attend to those discharged in their own localities. Surely some ladies and gentlemen in this great city will reflect upon this very serious subject, and will communicate with me, or with the Lady Superintendent, at 6, Queen's Square, Bloomsbury, with regard to it.

And may we not also hope, that as my paper has indicated a

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* Such sanatoria for the intemperate have been lately very ably advocated by Dr. Forbes Winslow in the *Pall Mall Gazette.*

† There are many Roman Catholics in Manchester, and I wish they would note that the Roman Catholic Refuge is at Brook Green, Hammersmith. The indefatigible exertions of the Dowager Marchioness of Lothian, and others, have surmounted many difficulties, and the refuge is doing its work, but it requires aid, and I most sincerely hope it will be forthcoming.

special want with regard to women of intemperate habits, that that requirement may be met by the institution of Temperance Homes, or "Sanatoria for the Intemperate," and that we may thus be enabled to grapple, on a broad and comprehensive plan, with a very serious and fearful evil, which grows if we do not struggle with it; and which, as a Christian nation, we cannot—we dare not, ignore.

JURISPRUDENCE AND THE AMENDMENT OF THE LAW.

President.

THE HON. GEORGE DENMAN, Q.C., M.P.

Vice-Presidents.

THE RECORDER OF MANCHESTER.
ALFRED MILNE.
PROFESSOR CHRISTIE.
J. T. HIBBERT, M.P.
DAVID DUDLEY FIELD.
R. CULLING HANBURY, M.P.
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JOHN SCOTT.
ARTHUR J. WILLIAMS.

Local Secretaries.

ALFRED ASPLAND.
H. C. OATS.
S. UNWIN.

In this Department are discussed the Science of Jurisprudence and the Amendment of the Law; including the Principles of Law and Legislation, Comparative Jurisprudence, International Law, Municipal Civil Law, and Criminal Law, together with the Treatment of Criminals.

SUMMARY OF PROCEEDINGS.

The following special questions were discussed in the Department:

SECTION A.—INTERNATIONAL LAW.

1.—What are the best means of extending and securing an International Law of Copyright?
2.—What is the duty of the Mother Country as regards the protection of Inferior Races in her Colonies and Dependencies?
3.—How may the Extradition of Criminals be best secured, consistently with the right of Asylum?

SECTION B.—MUNICIPAL LAW.

1.—On what principle should a Bankrupt Law be founded?
2.—What would be the best mode of reducing the Law of England to a compendious form?

3.—What conditions or limitations ought to be imposed upon the power of disposing in perpetuity of Property, real or personal, for Charitable or other Public Purposes?

SECTION C.—REPRESSION OF CRIME.

1.—Is it desirable to carry out Life Sentences to the utmost? and if so, in what Cases, and under what Form of Discipline?
2.—What are the best means of Preventing Infanticide?
3.—In what other Public Institutions besides Gaols is it expedient that Coroners should be required to hold Inquests in all cases of death?

In addition to the papers printed in the foregoing pages, the following were read in the Department:

"On the Treatment of Inferior Races by Great Britain." By R. N. Fowler.
"Suggestions for the future Government of Jamaica." By John Gorrie, Barrister-at-Law.
"On Extradition Treaties." By Henry Miller.
"On Bankruptcy Law Amendment." By G. B. Kidd, L.L.B.
"On the Amendment of the Bankruptcy Law of England." By C. H. Waring.
"The Law Relating to Charitable Gifts." By W. M. Fawcett.
"On Bribery at Elections." By E. W. Cox, Barrister-at-law.
Ditto By John Noble.
"On the present Condition of the Land Question in Ireland." By J. Lowry Whittle, Barrister-at-Law.
"The Land Question of Ireland." By F. W. Gamble, Barrister-at-Law.
"On the Patent Laws." By R. A. Macfie.
"Suggestions for the Amendment of the Law Relating to Trusts and Trustees." By E. W. Cox, Barrister-at-Law.
"The Carlisle Memorial Refuge." By M. C. Bennett.
"Reformatory Work." By Christian Nicholl.
"The Reformatory and Industrial Schools Acts." By The Rev. I. Fish.
"On the Prison Qualification for Admission into a Reformatory." By The Rev. A. K. McCullum.
"On the Treatment of Political Prisoners." By J. Pope Hennessey, Barrister-at-Law.
"The Utilisation of Prisoners' Labour." By C. P. Measor.
"British Columbia as a suitable location for disciplined Convicts." By William Tallack.
"On the mode of inflicting the Punishment of Death." By C. H. Bracebridge.
"The Gallows as a Teacher of Morality." By J. J. Alley.
"Improvements in Prison Treatment in Gloucestershire." By T. B. Ll. Baker.

INTERNATIONAL LAW.

INTERNATIONAL COPYRIGHT.

What are the best Means of Extending and Securing an International Law of Copyright? *

The paper on this subject, by Mr. Anthony Trollope, will be found at p. 119.

DISCUSSION.

The discussion on this question was marked by perfect unanimity. Mr. Joshua Williams, Q.C.; Mr. E. James, Q.C., M.P.; Mr. T. Webster, Q.C.; Mr. Hadfield, M.P.; Dr. Waddilove, and Mr. H. C. Oats, as well as the gentlemen more particularly mentioned below, all commented in various terms on the injustice which results from the want of an international copyright with the United States.

Mr. Dawbarn mentioned the case of Mr. George Cruikshank, who, after having produced original sketches possessing all the valuable peculiarities for which he is celebrated, and got them up in a style which entailed the necessity of a large pecuniary outlay, had, in consequence of the cheap manner in which they were reproduced in America, positively lost instead of gaining anything by the great trouble and expense he had gone to.

Mr. Newton, with reference to Mr. Trollope's statement that American reprints of English books are not cheap, because the American publisher cannot sell so low as an assured property in the work would enable him to charge, remarked that this could only be true of books, like certain scientific ones, with expensive illustrations and small circulation. Mr. Trollope's own works, or Mr. Dickens', might be had in America for as many pence as they would cost shillings in England.

Mr. Westlake observed that, if there was any difficulty in attaining the full object of an international copyright, it would be a great step if the condition now imposed on foreigners for acquiring a copyright, that of residence within the dominions of the country at the time of publication, could be abolished on both sides. A simultaneous publication in the two countries would then ensure the double copyright, without the English author being obliged to cross the Atlantic for the purpose; and, as such simultaneous publication would of course be resorted to for all works having any chance of popularity in the United States, that country would profit by many more English books being issued there than under the present system are reprinted there.

Mr. Daniel, Q.C. observed on the facility with which citizens of the United States can obtain an English copyright, by crossing the frontier into Canada, and remaining there during the publication of the work in England, as was done in 1864 by the author of "Haunted Hearts," and the English copyright so gained by her had been upheld by Vice-Chancellor Kindersley and the Court of Appeal in the recent chancery suit of Low *v.* Routledge. He also adduced, as a flagrant instance of the present injustice, a prospectus which he had just received, announcing the intended reprint at Philadelphia of the reports issued in England under the superintendence of the Council for Law Reporting, on the preparation and publication of which not less than £20,000 had been expended. Some amusement was created by the servile manner in which the very prospectus copied the words of the English one, so as to present an appearance as if the Philadelphia firm claimed for itself the credit of the improved system of reporting, and of the arrangement of the reports.

Mr. Brown said that, as a resident in the United States, he had had opportunities of knowing how the question stood there. The difficulty did not lie in any doubt on the part of the people as to the justice of an international copyright, but

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* See "*Transactions*," 1862, pp. 866 and 869.

in there being no one there whose interest it was to get it enacted. Personal exertion and outlay would be necessary to get such a law made, and he would suggest that a dozen or so of authors should go over and address public meetings, and otherwise agitate till the matter was brought prominently before the country; then, and not before, Congress would take it into its serious consideration.

The CHAIRMAN (Mr. D. D. Field) observed that the question did not belong to the States, but was reserved by the constitution for the National Congress, by which, if you wanted to get an Act passed, the way to succeed was just the same as with the British Parliament, to go to Washington and besiege its doors by all constitutional means. Authors were undoubtedly entitled to the protection of an international copyright, and though the attention of Congress had of late years been concentrated on the rebellion, yet now that was a thing of the past, and he had no doubt that when the injustice of the present system was brought fairly before the American people and legislature, the object would be gained. He also thought that the press of America might with good results be enlisted in favour of the movement, and that the authors of England might successfully endeavour to obtain that assistance.

THE TREATMENT OF SUBJECT-RACES.

What is the Duty of the Mother Country as regards the Protection of Inferior Races in her Colonies and Dependencies?

In addition to the paper by Mr. Roundell, printed at p. 126, Mr. R. N. FOWLER read a paper on the same question, in which he chose for special examination our treatment of the aborigines in the territories of the Hudson's Bay Company, in South Africa, in Australia, and in New Zealand. "The oldest of our colonial possessions are the vast regions under the control of the Hudson's Bay Company. These possessions are partly held by charter and partly by licence. The subject of these territories was investigated at great length by a committee of the House of Commons in 1857. As regards the treatment of the Indians, the result of the inquiry brought deplorable results to light. The gentlemen who compose the Hudson's Bay direction in London are men of high honour and humane feelings, but their officials in America, with honourable exceptions, are too often hardened by the wild life which they lead. Trade with the Indians is carried on by barter, and the introduction of spirits has produced most fatal results. Europeans have corrupted their morals, and introduced those diseases which result from vice, whilst the unnecessary destruction of the game on which the natives subsist has produced deplorable hardships. Hence we have to lament a great decrease in the Indian population. Sir George Simpson, the governor appointed by the Hudson's Bay Company, estimated the number of Indians on the entire territory east of the Rocky Mountains at 55,570, which, considering the vast extent of the country, would seem to indicate that the aboriginal race is rapidly wasting away. West of the Rocky Mountains, Dr. M'Loughlin, the superintendent of the Company's offices in that quarter, has stated his belief that nine-tenths of the entire population has been swept away by fever and ague. . . . Mr. M'Lean, in his 'Notes of a Twenty-five Years' Residence in Hudson's Bay,' remarks:—'That the Indians wantonly

destroy the game in years of deep snow is true enough; but the snow fell to as great depth before the advent of the whites as after, and the Indians were as prone to slaughter the animals then as now, yet game of every description abounded, and want was unknown. To what causes, then, are we to attribute the present scarcity? There can be but one answer—to the destruction of the animals which the prosecution of the fur trade involves. As the country becomes impoverished, the Company reduce their outfits so as to ensure the same amount of profits—an object utterly beyond their reach, although economy is pushed to the extreme of parsimony; and thus, while the game becomes scarcer, and the poor natives require more ammunition to procure their living, their means of obtaining it, instead of being increased, are lessened.' . . . Dr. Rae, the celebrated Arctic traveller, gave evidence of the high prices at which European goods are supplied to the natives; and in reply to Sir John Pakington, stated that he thought they paid 200 per cent. on the London prices, and that it might amount to 500. There is one circumstance which renders great facilities for dealing with the Indians, and that is the large number of half-castes who reside at the Red River settlement and elsewhere. The mixed race, from the marriage during many generations of the Company's officers with Indian women or their descendants, has increased to such an extent that it now forms the dominant class in Rupert's Land. The link which they constitute between Europeans and Indians is an important element in dealing with the country, and it is to be hoped it will be employed for the elevation of the people. The possessions of Great Britain in South Africa have been the scene of a number of cruel and disastrous wars. . . . The herds of a colonist stray into the Kaffir country, and the natives are charged with having stolen them. Reprisals follow, and the cattle of the natives are seized. Hence a state of chronic disorder grows up on the frontier, and ultimately leads to war. War, of course, always ends sooner or later in favour of the English, and the native territory is annexed on the plea of preserving order. In this way the history of British rule in South Africa shows a constant extension of territory. The farmers are always anxious for fresh lands, and the contractors at Cape Town realise large sums from the government, and hence Kaffir wars are generally popular. Since England took possession of the Cape our frontier has steadily moved eastwards, except on one memorable occasion, when King William IV. declared that he would not have his dominions extended by spoliation, and nobly restored a large district unjustly acquired. Of late wars have been less frequent, as the exhausted Kaffirs have been compelled to acquiesce in the rule of Europeans. The superiority of the Boers in arms and ammunition, owing to a prohibition of our government to supply the Basutos, while the Boers could freely purchase, ensured them an easy victory, and one of the noblest of the African race has been subdued by his enemies and robbed of two-thirds of his country. It is common to represent the natives of Australia as a degraded race, who in the nature of things must

rapidly become extinct. On this point the testimony of Mr. G. S. Lang, of Melbourne, says, that judging of them in their natural state, uncontaminated by contact with white men, 'he considers them equal to American Indians in their subtlety as diplomatists, and in their skill and activity in war and the chase.' In his judgment the causes of frontier wars are—(1) that no colonial government has ever recognised any policy, authority, or property (tribal or personal) among the aborigines; (2) that they have been deprived of their hunting grounds without any provision being made for them, the country having been occupied by the white settlers with as utter a disregard of their interests, rights, and even subsistence as if they had been wild dogs or kangaroos; and (3) that difficulties arise between blacks and the pioneer squatters and their men. It is greatly to be desired that suitable provision should be made by the government for the location of the blacks when the country is occupied by the whites. Mr. E. W. Landor, a member of the West Australian bar, in a well-digested paper, has called attention to the rigid enforcement of capital punishment against natives convicted of murder. Considering that such murders are committed in conformity with time-immemorial though barbarous and indefensible customs, and that when offences are committed against them, the British courts are practically closed, and they have no means of redress except by following their own usages, it becomes a question whether the administration of British law does not require modification among the Australian natives." In New Zealand, the Maories had been thrown back into barbarism. "To what is this to be attributed? We must trace it to the desire of land which has been displayed in New Zealand as in similar colonies, and to the mismanagement of the government. The Maories are a highly-intelligent people, shrewd in their transactions and tenacious of their rights. They have a very natural reluctance to part with their land, while the colonists blame them as standing in the way of the settlement of the country. It is to the honour of Mr. Cardwell that he put a stop to a wholesale attempt at confiscation on the part of the colonial government; but, nevertheless, immense districts were seized, sold by auction, or parcelled out to military settlers." Such were a few instances of England's mis-treatment of the aboriginal races with which she had come in contact. Something surely ought to be done to "secure the rights and privileges of the natives of our different colonies. Their lands should be respected, and when required for colonisation, acquired by purchase, or on fair terms. Proper officers should be appointed to look after their interests, and to protect them in the enjoyment of their rights. Above all, every facility should be given to those devoted men who strive to bring them to the paths of Christianity and civilisation."

Mr. John Gorrie, advocate and barrister-at-law, read a paper entitled "Suggestions for the future Government of Jamaica." After remarking on the right, acknowledged by statute law, of the negroes to be considered English citizens equally with the whites, he

proceeded to argue that four great reforms were needed:—"I. Justice in the petty courts ought to be administered by magistrates fit for the office. Unfortunately the inhabitants of Jamaica have hitherto been denied this advantage. The justices are planters, managers of estates, bookkeepers on estates, or traders in the villages, entirely under the influence of the planters. To illustrate the character of the magistracy in St. Thomas-in-the-East, where the late disturbances arose, the following facts may be mentioned: The magistrate who signed the warrant for the apprehension of twenty-five inhabitants of the mountain settlement of Stoney-Gut, in consequence of their alleged participation in a petty disturbance, had himself been fined in his own court for assault shortly before; and it was clear from the expressions used by the people that contempt for the magistrate had a great deal to do with the refusal of the twenty-five men to accompany to prison the five policemen who were sent to bring them in. Another magistrate of the same parish had been dismissed from his office for flogging publicly a woman and her daughter after martial law had expired, and apparently for no other reason than to gratify his own brutality. The same person stood by and witnessed the slaughter of six untried prisoners by a black soldier of one of her Majesty's West India regiments, although force enough was at hand to have prevented the soldier executing his murderous purpose. A third magistrate of the same parish authorised the use of whips made of wire and cord intertwined for the flogging of large numbers of people, who were only hastily tried by himself, and many of whom were never tried at all. The same magistrate caused several men to be flogged with from 100 to 150 lashes each, with the infernal instrument of torture which I have mentioned, before being sent down to Morant Bay to be tried for their lives. Thus mangled, they were tried and hung. A fourth magistrate went out houseburning with a party of constables. A fifth was present and made no complaint when the soldiers shot a man in his own house without trial, and afterwards burnt the house, turning the widow and ten children into the woods. A sixth, when challenged for flogging a woman after martial law, excused himself by stating that he flogged several, and that he was vexed. Of the custodes, or supreme magistrates, of other parishes, one appeared as chief witness, and took an active part against one of his own parishioners, who was put to death for making use of an unmeaning expression months before martial law. Another proposed to take advantage of martial law in a parish one hundred miles at least distant from his own, for the purpose of putting down an association of negroes desirous of sending their own produce direct to England. It is unnecessary to multiply examples of this kind to show that the body of the justices who expound the law in the petty courts are unfit for their position, and this was the opinion of the best men in Jamaica itself. The appointment of stipendiary magistrates has been objected to because of the expense, but the administration of justice is one of the fundamental purposes of government. The few stipendiary magistrates left in the island who were originally appointed

during the apprenticeship system evidently enjoy the confidence of the people. Only one of them culpably involved himself during martial law by becoming the chief of the Maroons, and failing to keep them in due subordination. The government ought to limit the functions of these magistrates strictly to the dispensation of justice. In connection with the appointment of a more numerous body of stipendiary magistrates, Sir Henry Storks, the late Governor, threw out the excellent practical suggestion that courts ought not to be fixed at towns and villages remote from the settlements, but that a system of circuits should be established by which justice might be brought home, as it were, to the whole body of the people. II. "Having provided for the pure administration of the law, the next duty of the government ought to" be to adapt the land laws to the actual condition of the country, and the changes consequent upon the abolition of slavery and the abandonment of many large estates . . "It may be sufficient to mention specially the law of trespass. The late disturbance was, if not solely occasioned by, at least closely connected with, the land laws. The proprietor of the estate of Middleton, adjoining Stoney-Gut, had found himself unable to continue its profitable cultivation, and for several years the negroes had been left to settle upon it very much as they pleased, paying rent for a nominal portion, but their lots not being fenced in or separated from the rest of the estate. A few months before the outbreak, the proprietor, who is one of the colonial officials, let the whole estate to a respectable negro, who, residing on the spot, might be able to make more of the settlers than the proprietor himself. The principal tenant began operations by applying the trespass laws to the negroes who had been accustomed for years to use the unenclosed pasture lands and plantations at pleasure. He seized the horse of one of the settlers, who in turn rescued his own horse when on the way to the pound, and for this he was himself prosecuted for trespass before the local justices." It was this affair which led directly to the outbreak at Morant Bay. "There is in existence a law of the island providing for the forfeiture of lands to the Crown of which the land-tax is unpaid for twenty years. This does not appear to be put in force, but something more is wanted for the regulation of estates of which the cultivation has been abandoned by the owner, and where communities of persons have gradually sprung up claiming rights as purchasers from the proprietor or his agents, or by long-continued possession, the application of labour to the clearing of the bush, and uninterrupted enjoyment of their plots of land in the knowledge of the owners. The island can never become productive if, while the white proprietors abandon estates, the negro population are not permitted, under fair and judicious laws, to obtain possession of these properties for the purpose of bringing them into cultivation. III. In the political administration of the island the measures of government ought to be directed to the material prosperity of all classes, and not of the dominant class alone. Society in Jamaica is composed of very few elements, and there are sharp lines of distinction which

render the work of an administrator not without difficulty. The planter, naturally, perhaps, regards the prosperity of the island as solely bound up with the prosperity of the planting interest. His desires all run in the groove of getting abundance of labour cheap, and selling his sugar dear. In fact, the simple creed of the days of slavery still sticks to the planters of the present day, and when they had the control of the government, they did not scruple to carry out a purely planting policy. The negro, on the other hand, does not see any perfection of human wisdom in working for 9d. or 1s. per day on the sugar estates when he can be his own master, and earn more, besides keeping his family comfortably, on a few acres of land in the mountains. The desire of the negroes to acquire land is a proof of their advancement, and I would stimulate the desire and endeavour to gratify it. Such a tax, for example, as that upon horses, mules, and waggons, in a community where there are no public conveyances, and where even very small settlers find it impossible to convey their produce to market without a horse and cart, is not only impolitic; it is galling to the people, and can only be productive of evil. The oxen and planting stock on an estate are rated much lower than the horses and mules of the small settlers. The colonial government ought to charge itself with the encouragement of the class of small freeholders, urging them to produce as much as possible from their properties, and to introduce from time to time such new products as the market of the world seems to require." There was a great want of good roads. "The new government have, therefore, to begin with providing means of permanent communication throughout the island, and I trust they will see their way to the sanctioning of some comprehensive scheme of railway communication. The mode in which the taxes are levied upon imports and exports, appears to me to want entire remodelling. There is actually an export duty upon sugar, the staple product of the island, although the same article has to pay a heavy import tax in this country. Several articles which enter into the ordinary consumption of the people are taxed, agricultural implements are taxed, a protective policy of the most injudicious kind reigns supreme. Not only does this dwarf what may be called the natural commerce of the island, but it entirely prevents Kingston becoming the depôt of merchandise for the neighbouring islands and the American continent, which from its position it is so well fitted to become. IV. My last suggestion is that the home government, as a measure of ordinary justice to all its sugar-growing colonies, as well as to the population of the United Kingdom, ought to abolish the sugar duties, but the subject is one too extensive to be more than merely mentioned at present. Under wise governors I have no fear of the future of Jamaica. The people are most anxious to improve their condition, and all they need is a fair field and just treatment."

DISCUSSION.

Mr. Constantine Burke, a member of the Jamaica legislature, said that Jamaica, before the period of emancipation, was suffering from grievances which

had never been remedied. The decadence of that unfortunate colony had arisen from the loss of the Spanish trade, and the consequent loss of its commerce, coupled with the operation of the Sugar Duties Act of 1846. It had never been sufficiently populated, and in that respect the policy of its legislature had been most disastrous. Jamaica, with a population of 441,204, had an area of 6,400 square miles, being 69 persons to the square mile. Barbadoes always had a population of 920 to the square mile. Labour was consequently abundant in Barbadoes, as well as in Trinadad and Demerara, whilst Jamaica stood still. It was said that the black would not work. That statement was not true. The negro would work in Jamaica as long as it would be remunerative; but he would infinitely prefer to work for himself to working for another, so long as his labour was sufficiently advantageous for himself. It was not reasonable to expect that a negro having a small holding of three or four acres of land derived from his industry should work in a plantation, more particularly when it was considered that his services were not continuously required on the plantation, and that his wages would not be a sufficient compensation. They had the fact that negroes were large proprietors of land, and that they had large sums of money in the savings-bank. The policy of the Jamaica government had always been to keep the negro down. Education had been neglected. With a population of 440,000, the trifling sum of £3,000 a year was voted for education, while in the little island of Malta, with only 5,000 inhabitants, £14,000 was annually voted for the same purpose. If anything could be more unjust or unwise in men who had to live in the country, and had to settle their families there, it was to have families reared up in a state of barbarism. The most prudent course to take in the government of Jamaica would be to promote a popular system of education. By that he did not mean that he would teach the blacks classics, or anything of that kind, but he meant that they should be taught a sound English education, combining with it industrial training and sound moral books. If they had normal schools in the island under the control of government, and teachers sent out to impart instruction who were really qualified for doing so, it would be an important advantage. The greatest attention should be bestowed on the religious training of the people. Although a Churchman himself, he must say that there was very great apathy shown on the part of the ministers of the Established Church. They had in all ninety-two ministers of religion, and in connection with the churches they had at school 23,000 children, out of a population of about 450,000; and they would find that the proportion of people to each minister would be about 2,343 souls. With such a state of things as that, was it to be wondered at that the negroes who were at a distance from intelligent clergymen should have got into the system of having teachers from their own class, men who were totally unfit to lead them? What was wanted was an earnest working clergy. When they considered the separate interests of the white man and the black man, and the jealousy that existed between them, it would be seen how necessary it was that a new form of government should be instituted—a paternal despotism, which would take care of all classes alike.

Mr. Ernest Noel said the chief question was, not so much the present state of Jamaica as what was to be done for it in the future. Before emancipating the negro we ought to have trained him to the duties of citizenship. The black man, trained in slavery, was not like a man in a country that could look back upon centuries of civilisation. It was not capital, but a just understanding of the negro character, and the respectful treatment that a negro so particularly coveted, that was wanted in Jamaica. The bounden duty of England was to keep its eye upon Jamaica, and mete out even-handed justice to the people.

Mr. James Heywood said the whites were not competent to have the management of the island, and nothing in the way of improvement would be done until whites and blacks were on an equality. Having visited the island and moved about amongst the blacks, he thought there really was a great difficulty to get the negro to work.

Mr. Wilson entered into the question of our treatment of native races, which he strongly condemned, on the ground that a nation that assumed the government of a country should also care for the wants and condition of its people,

without waiting for martial-law hangings and mutinies. Our treatment of subject-races was often characterised by meanness, cowardice, and theft, and although Jamaica was the uppermost topic just now, there was not a dependency we had that was not scandalously ill-treated.

Mr. Foster, an Australian colonist, argued that it was impossible to reclaim the Australian aboriginals, who were not capable of submitting to the habits of civilised life.

Mr. Westlake said, that where a colony or dependency was inhabited by an inferior race, we ought to send out not only a governor, but other English officials, particularly judicial functionaries of every class, stipendiary magistrates as well as judges of the higher courts. The governor would thus be surrounded, as it were, by an English atmosphere, which would protect him from being swept away, as in the case of Mr. Eyre, by a gust of colonial passion and prejudice; and the impartial execution of the law in detail, and what was equally important, the belief of the inferior race in that impartiality would be secured. The speaker also pointed out the differences which had resulted from the various modes of location of the inferior races in different colonies. In New Zealand, a false philanthropy had sought wholly to isolate the natives for the sake of their better preservation; and the consequence had been that, inhabiting extensive tracts by themselves, European ideas had made little real progress among them. In Jamaica, all traces of separate village organisation, or native authority, being effaced among the negroes, who lived completely mixed with the whites and brown people, civilisation had to deal directly with the uncivilised individual, who was generally too little advanced to be able to profit by it. Mr. Westlake believed that we had nowhere been so successful in dealing with an inferior race as in the instance of the Zulu Kafirs, in the colony of Natal, and that this was chiefly owing to their being settled in villages of their own, with their native chiefs at their head, yet not in a compact territory, but so that their settlements occurred throughout the colony side by side with those of the English and Dutch. Thus they had always near them the opportunity of earning wages, and a convenient market for their own produce as well as the example of civilised men; while their own social organisation existed to restrain their conduct within the limits of right fixed by their own ideas—the influence of the government with the chiefs being at the same time successfully exerted in obtaining the progressive modification of the native rules as their ideas became improved.

Mr. J. H. Estcourt said we should insist upon a due administration of justice; should protect natives in their property and persons against the "superior" races as the superior individuals protected each other, and should apportion out of the revenues a sufficient sum to establish a sound secular education for the people. Referring to Jamaica, while warmly defending the character and worth of the negro, he stated that in 1865 there came from Jamaica £946,000 worth of produce. The work necessary for the achievement of such an effect was not done by the whites, but by the negroes, who had been accused of being too indolent to work.

Mr. Fowler said that notwithstanding the terrible bill of indictment that had been brought during the day against the mother country, it was a historical fact that no other country had ever done so much as Great Britain for its subject races.

Mr. J. H. Raper recommended that the export of "fire-waters" to the colonies should be prohibited.

The Chairman (Sir J. Villiers Surtees) said that most good would be done to Jamaica by considering not so much who was to blame for past events, but what steps should be taken to prevent similar disasters in future.

EXTRADITION TREATIES.

How may the Extradition of Criminals be best secured consistently with the Right of Asylum?

Besides the papers on this question by Mr. Rathbone, Mr. Westlake, and the Hon. W. B. Lawrence, printed at pp. 141, 144, and 151, Mr. HENRY MILLER contributed a paper on the same subject. He stated that the subject had his attention so far back as 1835, when he recommended the formation of a protective association, for the punishment of persons convicted of frauds and embezzlement, and gave expression to an opinion that a convention between England and America would be of advantage. He referred to an interview that he had with the President of the United States, when he directed the President's attention to the fact that there was no communication maintained between the police of the two countries. Since that date the Ashburton treaty between this country and the United States had been concluded and acted upon. A convention had also been concluded between England and France, and likewise acted upon, but, owing to the imperfection of the list of offences, these measures had failed of their object. The following were instances where the convention had failed. In October, 1850, the writer arrested in Cincinnati, Ohio, a person who had been a teller in a bank at Glasgow, and had absconded with a large sum of money; but, because the treaty provided for the surrender of robbers only, and not of those guilty of larceny or stealing, he was discharged. Again, a person named Townhend absconded from Newhaven, in Connecticut, with £100,000, stolen by him from a savings-bank. He was arrested in Liverpool on the 30th July, 1865, and he underwent no judicial examination, but was privately detained in custody, and without a legal warrant was carried to America by a Philadelphian detective officer. This was done because the regular procedure would have failed. Representations were made subsequently to the American government on this point. A further application was recently made to the Liverpool stipendiary magistrate to hear a charge of embezzlement preferred against Ernest Lamirande, who had arrived in Liverpool from Canada in charge of a French detective officer, and was charged with appropriating £28,000 at Poictiers. Mr. Raffles declined to investigate the case. The most difficult and delicate part of this subject was as to the procedure which might be required by the conventions with foreign countries in such cases. A recent Act of Parliament had, it was thought, made certain alterations in this respect, in a sense more favourable to the application of foreign law. This is a point on which there was much jealousy in this country, fears being entertained of practical abuses following, and of the right of asylum being infringed upon. And everyone who valued our constitutional freedom must respect and, to a certain extent, sympathise with this jealousy. But at the same time they must not overlook the grave inconveniences and evils of the want of proper arrangement between

friendly nations for the surrender of persons who were guilty of what, in the view of all countries, were held to be criminal acts. As to the procedure which might be adopted, he would, with deference, suggest that, to facilitate the extradition of criminals, on a foreign officer, duly qualified, arresting in this country a person charged with one or more of the crimes embraced in the treaty existing between this government and his, the production of the warrant by the foreign magistrate, bearing his signature and the official seal, should be sufficient evidence here, in the first instance, and should justify the temporary detention of the person arrested until the arrival of the necessary depositions, if they are not at the time forthcoming. Further, that the accused having once been placed in custody, it should be unlawful to discharge him, or allow him to be removed by the foreign officer without his having been brought before a magistrate, which ought to be done within twenty-four hours after the arrest. In many cases of sudden flight, where the officer might be despatched on an hour's notice, there was no time for the preparation of the depositions required—hence the expediency of their being dispensed with in the first instance, and the prisoner temporarily detained. It appeared to him to be of great importance that extradition treaties should be entered into with all foreign countries where these do not already exist. Several instances might be given where the want of them has been the cause of great inconvenience and loss. He might mention that very recently his services were required by the Prussian government in a case where a criminal, who had broken out of a prison in Prussia, charged with fraud and forgery, was expected to arrive in Scotland; but there being no convention or treaty between that country and our own, the authorities here would have been utterly powerless to arrest him in this country and transmit him to Prussia. He recommended that burglary, larceny, and embezzlement, should be added to offences enumerated in the Ashburton treaty and in the convention with France, and to the list in the former fraudulent bankruptcy also.

DISCUSSION.

Mr. Arroun thought that no one treaty could be drawn up which would answer the case of every nation; different treaties should be framed, so as to make them as acceptable as possible to the respective countries concerned, and therefore likely to work well and harmoniously. Care should also be taken that no such treaty might be used for getting hold of political refugees, whose right of asylum ought on no account to be sacrificed.

Mr. Torrens, M.P., said all were agreed that criminals ought to be punished wherever they might be found, but the question had a national side. There was a duty which we owed to ourselves and to our traditions,—namely, to maintain the right of political asylum, and to see that we were not made mere instruments for the convenience of foreign police. Lord Aberdeen's treaties with France and the United States were bargains and experiments, and had not worked well; and that with Denmark was an experiment, and a lamentable one, because we had bound ourselves to give up persons who had been tried in their absence. An amending Act had been passed in the last session, but though we might trust Napoleon III., yet the state of things in France might be altered. Besides, should we be willing to make a similar concession to Gortschakoff, Mouravieff, or Bismarck? Yet, if we made a concession to France, we should

have to make the same to all despotic countries. The speaker's opinion was, that the Foreign Office ought to make no more diplomatic bargains, but that we ought to try to establish one uniform law of extradition, to regulate our dealings in the matter with all states; and that it should be such a law as we were quite sure that the people of this country would be able and willing to carry out. He had therefore given notice that he would ask Parliament in the next session to reconsider the whole question, and he submitted that in the meantime public opinion should be directed to consider whether we have not been drifting from our national moorings on the subject. French law was opposed to all the elements of our jurisprudence. How should we feel if a treaty was the means of consigning to imprisonment, perhaps to death, the men whom we had on our soil as refugees? In conclusion, he expressed the hope that the people of this country would never consent to waive one jot or tittle of the good old law of England.

Mr. Daniel, Q.C., said that the inconvenience of making this country a refuge for foreign criminals would be intolerable, and the ends of justice could not be met by trying such persons at a distance from the scene of their imputed crimes. The subject must be approached in a temper of liberal confidence in the good intentions of foreign governments, and we must fall back on the development, necessary from increasing intercourse, of that principle of jurisprudence called the comity of nations. We could not expect that all states should have the same form of government. All we could expect was that all nations which dealt with us should be animated with the same spirit. The difficulties in the way of a satisfactory settlement of the question were, no doubt, great, but not so great, in the speaker's opinion, that they could not be overcome.

Mr. Blair said that if we have extradition at all, it must be carried out in the way most likely to be beneficial to all the nations concerned, and the law should be framed with that object. A more wide and general view of the question than we have hitherto taken would lead us to the conclusion that there is really no greater difficulty in its proper and mutually satisfactory settlement than there is in otherwise preserving the goodwill of the nations with which we have to deal.

The Chairman (Mr. D. D. Field) said that the security of society against crime required extradition treaties. Ancient practice was no guide in this respect for modern times: society had changed, and so had its laws and usages. But there were four conditions which it would be well to observe in framing regulations on the subject. First, there was already a pretty general understanding as to what crimes rendered a man infamous, to the exclusion of trifling offences on the one hand, and of political crimes on the other; and his escape from one country to another ought not to release a person guilty of such a crime from the consequences of his act. A class of infamous crimes should therefore be constituted and defined, and extradition made generally applicable to them. Secondly, no fugitives claiming asylum for political offences ought, under any circumstances, to be given up. But there should be no sympathy with murderers, though actuated by political motives. Something should be done internationally, whereby the perpetrators of such crimes as the assassination of President Lincoln might be unable to get protection anywhere. Thirdly, provision ought to be made against what may be called fabricated crimes, that is, charges made merely for the purpose of getting possession of the person of the accused. When slavery existed in the Southern United States, and the constitution required the extradition as between the states of fugitive slaves, the Southern owners, finding it difficult to obtain that extradition from Northern juries, resorted to the charge of theft for the purpose, the clothes in which the slave had escaped being his master's, even if he had brought nothing else with him. So Kossuth had been charged with the theft of the crown diamonds of Hungary; and the speaker, when travelling in Hungary, met with a lady who believed with all sincerity that Kossuth, while residing there, had been guilty of a theft. As a remedy for this he suggested that a high officer should be established in each country by international agreement, to whom every case, when otherwise ripe for the stage of actual extradition, should be submitted for his judgment whether the charge was a *bonâ fide* one or not. There were also

cases not directly political, but mixed up with political or quasi-political institutions, as that of the slave Anderson, who killed his owner in effecting his escape. It would be the duty of the great officer in question to pronounce whether a charge really came within the spirit of the treaties, and the speaker saw no reason to doubt that his decisions might command as much confidence internationally as those of prize courts. Fourthly, the person surrendered ought to be tried within a fixed time after the extradition; and, in case of failure, to bring him to trial within that time, the government which had surrendered him ought to have the right of demanding him back. These four conditions being secured, the speaker saw little difficulty, either in a satisfactory settlement of the question, if persons representing the opinions and interests of the various countries took the matter in hand, or in a satisfactory working of the law which should embody that settlement. It ought to constitute a chapter of the international code which he had proposed in his address to the Association. Extradition existed as between the states of the American Union, and he believed that his country would not be backward in adopting a general system of extradition which would satisfy the common sense and justice of civilised mankind, and be serviceable to the world at large.

MUNICIPAL LAW.

BANKRUPT LAW.

On what Principle should a Bankrupt Law be founded?

In addition to the papers by Mr. Wilson and Mr. Hawes, printed at pp. 160 and 168, Mr. G. B. Kidd, LL.B., Lond., read a paper on "Bankrupt Law Amendment," in which he criticised the Bill introduced by Sir Roundell Palmer, especially as to the restrictions proposed to be placed on the action of creditors, and as to the provisions giving an absolute discharge to a debtor paying six-and-eightpence in the pound. The author also reviewed the history of the bankrupt law, and stated the principles on which he thought such a law ought to be founded, and was of opinion that regulations like the following ought to enter into any measure prepared for its amendment. I. That bankruptcy in general should be treated mainly as a proceeding for the benefit of creditors, whereby, upon an act of bankruptcy committed, the debtor's effects are taken possession of in order to an equitable distribution, and to prevent the absorption of the whole by one or two creditors who might be the first to levy execution; but which ought not to relieve the bankrupt from his liabilities except under such circumstances as could by the Act of 1849 have entitled him to a first-class certificate, unless with the consent of a given majority of the creditors; the *onus* of proof of misfortune lying with the bankrupt. II. That full power should be given to a fixed proportion of creditors to wind up estates by private deeds, and to free the debtor from his liabilities. III. That in all cases where insolvency has been connected with recklessness, negligence, or extravagance, the

bankrupt should be amenable to criminal law. IV. That some provision should, if possible, be made for the classification of creditors.

A short paper was also read by Mr. C. B. Waring, on the "Amendment of the Bankruptcy Law of England," proposing alterations in the law, with a view to render proceedings for the recovery of small debts more simple and economical; to enable creditors to wind up the estate of a bankrupt, calling in legal assistance only where it is necessary, as in ordinary commercial affairs; and to create checks on the facilities given by tradesmen to persons contracting debts.

DISCUSSION.

Mr. E. W. Cox said there was one class of persons who thought it would be impolitic to hand over the whole business of bankruptcy to the County Court judges, and that it would be cheaper and more effective to have judges specially appointed for administering the bankruptcy laws. Commercial men were strongly opposed to this view, believing that the less they had to do with the lawyers the better, and that the County Court might very fitly be converted into the Bankruptcy Court. On the other hand, the legal view was, that whatever the tribunal was, there should be some sort of tribunal to which the administration of the law of insolvency should be entrusted. It was not enough for the tribunal in the first instance to take possession provisionally of the bankrupt's estate, and then to hand over all questions connected with its distribution to the creditors. The cause of the failure of the old bankruptcy law was the appointment of a creditors' assignee, who, having no time to devote to the matter, handed it over to a solicitor, whose bill of costs swallowed the whole estate. For the creditor's assignee was substituted the official assignee, who was paid in the first instance by commission, and subsequently by salary. Then came the Bill of three years ago, which was picked to pieces in committee by commercial men, and had nevertheless resulted in the greatest failure in bankruptcy reform ever attempted. The object of the mercantile community was to get rid of the lawyers, and the practical effect had been to double the work of the lawyers. A creditor's assignee would not and could not interest himself sufficiently in the business to manage it properly, and in almost all cases it had been handed over to the solicitor. The result was, that men went before the Bankruptcy Court and passed as a matter of form, and the most enormous frauds were almost openly perpetrated, because there was no person whose duty it was to look carefully into the cases, and to see that the whole transaction was a fair and honest one. We had founded our bankrupt law on a wrong principle. Hitherto we had been too much in the habit of regarding the creditor as the injurer and the debtor as the injured man. Any bankrupt law to be really good, must be founded on the principle that insolvency was *prima facie* a wrong. It therefore became the duty of the debtor to show the grounds upon which he claimed the assistance of the law and to satisfy those who had the administration of the law that he had not been reduced to insolvency by culpable negligence or positive fraud. The principle laid down by Mr. Hawes, that the bankrupt law should have nothing to do with the punishment of wrong-doers, was most dangerous. If they were left to the criminal law, the cost would be enormous, and in three cases out of every four the offender would be acquitted. The moment a man became bankrupt, the court should take possession of his property, but the modus operandi would be much simplified by the adoption of some such system as the appointment of liquidators in the case of joint-stock companies. A liquidator, who would always be a solicitor, once appointed, should take possession of and distribute the estate under the supervision of the court, but not under the supervision of the creditors. If fraud were proved, he would empower the court to punish the bankrupt in the same way that other persons guilty of fraud were punished by the criminal courts. The root of the existing evils was, however, the creditors' assignee, and he would get rid of him at once.

Dr. PANKHURST approved of the principle advocated by Mr. Wilson of incorporating the creditors, but having been incorporated, they were entitled to manage the property in the way which they considered proper and expedient. At the present moment, commercial men repudiated the public system of dealing with bankrupts' estates; but the system of private arrangement they constantly adopted, and he did not see who had a right to interfere with them if their minds were made up. The difficulties in the way of the private arrangement system were three: in the first place, to know, when a debtor executed a deed of assignment, what were the conditions which constituted its validity; secondly, to compel a trustee to get in the estate and distribute it with economy and despatch; and thirdly, to see that the deed when executed, did not go floating down the current of litigation until nobody could tell what its fate would be. To remedy these evils he suggested that when a deed was executed by the requisite number of creditors and submitted to a process of registration *nisi*, a limited time should be given, within which notice should be given to the public and to the creditors, affording them an opportunity of coming in, and that after the lapse of that time the registration of the document should be absolute. The only action it would be necessary for the court to take would be to convene judicially a meeting of creditors, who would at once take charge of the property, and would have nothing to do but to realise and distribute it to the best of their judgment. He would not do away with the power of effecting a composition, nor, indeed would he do anything that would interfere arbitrarily with the creditors' liberty of action.

Mr. G. R. TENNANT warmly reccommended the adoption of the Scotch system. The liquidator there was an accountant, chosen by the creditors. He was possessed of knowledge and experience in matters of bankruptcy, and over him were placed three creditors, called commissioners, who acted as a committee of supervision. The accountant made choice of a solicitor, but he was unable to take a single step without the special authority of the commissioners, who were always on the alert, and would at once put a stop to any proceedings which were not for the benefit of the general body of the creditors. The trustee himself was bound to make periodical returns to the accountant in bankruptcy, and, if he made an omission, the Lord Advocate, at the public expense, called him before the Court of Session. The fear of that summary procedure was so great that it was very rare indeed that any complaint was made against a trustee. With regard also to claims which might arise of a disputable nature, it was found that the summary jurisdiction of the local judge worked admirably.

Mr. HASTINGS concurred with the last speaker that the system of bankruptcy in Scotland was superior to the system adopted in England. Some of its details might no doubt be improved; but the principles of the Scotch system were those to which we must look if we were to have sound legislation on this side of the Tweed. In Scotland there existed no such thing as a special Court of Bankruptcy, and upon that fact hung in a great measure the efficiency of the system. The Bankruptcy Courts in this country had been a complete failure. In the first place, they were second-rate tribunals, notwithstanding the ability and eminence of many of the gentlemen appointed to preside over them; and no one could fail to perceive that the business in them was often done in a way that would not be tolerated in any other tribunal in the country. There was a further and a fatal defect in the system—namely, that the chief business of the courts (the collection of debts) was a mercantile business, and could only be done efficiently in a mercantile fashion. The Bill introduced last session by Sir Roundell Palmer certainly consolidated the law in a clear and intelligible manner, but he did not regret that it had not passed, for the reason chiefly that it continued the existence of the Courts of Bankruptcy. With regard to the property of the debtor, he was of opinion that the winding-up of the estate should be left wholly in the hands of the creditors, who should be solely responsible for the management of what was their own property, and who should appoint and supervise proper agents for those portions of the business which they could not perform themselves.

Mr. FOWLER did not dispute the assertion that the mercantile community preferred a private arrangement to the public system, but his experience was that that preference arose from a choice of evils, and that some attempt should be

made to place these private arrangements under judicial supervision. They had opened the door to an amount of fraud which did not exist prior to the Act of 1861. The creditors had no means of knowing what the estate would produce, and creditors were manufactured by wholesale; so that three-fourths in number and value were easily procured. The result was that a large number of men who had made these compositions were now in a much better position than they ever were before. He thought there should be some judicial mode of testing the reality of the claims; and he was also of opinion that the secured creditors should not have a voice in determining how unsecured creditors should have their debts paid.

Mr. T. Webster, Q.C., said the foundation of the whole system of the bankrupt laws was, if not absolutely vicious, the creation of an age long gone by, when a state of circumstances existed which did not exist at present. The law was wholly inadequate to the present requirements of the country, and he thought the basis of any future amendment should be the abolition of the Court of Bankruptcy as a distinct court. As all attempts to amend the law and reform the system had hitherto signally failed, there was a strong presumption that the system itself was too vicious to admit of reformation. He warmly approved the suggestion of Mr. Wilson with regard to the incorporation of the creditors, but nothing could be worse than the present system of liquidation and liquidators.

Mr. Daniel, Q.C., remarked that the notion of incorporating the creditors was not a new idea, but it had already been adopted in Manchester, and had been attended with considerable success. Some of the principles involved in the measure introduced by the government last session were worthy of serious consideration—such, for instance, as the abolition of the power of a man to make himself a bankrupt, for there were many cases in which the power of a trader to make himself a bankrupt had been used *in terrorem* to compel creditors to accept an unfair proposition. If a trader found himself unable to pay 20*s*. in the pound, he should be at liberty to make out a fair statement of accounts, verified upon oath, and certified by a public accountant. No public accountant would be imposed upon by the attempt of a fraudulent debtor to concoct debts for the mere purpose of effecting an unfair composition. There should then be some court in which the accounts could be filed, and it should be the duty of an officer of the court, on the filing of the accounts, to give notice for a meeting of creditors. At that meeting the creditors, having had an opportunity of examining the accounts, could at once proceed to appoint a trustee, as was done in Scotland, and the whole estate, real and personal, should then be vested at once in the body of incorporated creditors. If a composition was offered, it might be made competent for the meeting by a majority in number and three-fourths in value, to declare whether such composition should be accepted. As to the trader himself, he should have no voice in the matter whether he should be bankrupt or not. That should be a question for the creditors to determine, and also whether there should be a private arrangement or not.

Mr. Hodgkin said the discussion had been of a most satisfactory nature, both to lawyers and commercial men, and he hoped steps would be taken to embody the result of the discussion in a report or resolution. It was now evident that public opinion was against the continuance of the Bankruptcy Court, and that commercial men were in favour of the voluntary and private settlement of affairs of this nature.

Mr. Phillips said the question of the amendment of the bankrupt laws had been carefully considered by the Bristol Chamber of Commerce, which he represented, and they were of opinion that the Scotch system might be satisfactorily adopted.

Mr. Arthur Ryland concurred with the opinion expressed by other speakers, that no reform of the bankrupt law would be satisfactory unless it was accompanied by the abolition of the existing Bankruptcy Courts.

Mr. Hawes thought there was an erroneous notion abroad as to the merits and demerits of the Scotch system. It had one great demerit, which would always prevent its being adopted here, and that was that every estate must be brought into sequestration. Then, again, he disputed the economy of the Scotch system. From the report of the Accountant-General of Scotland it appeared that

in 1861-2 the costs of winding up the estates brought under his control amounted to nearly 18 per cent., and the law charges to 9 per cent., while in the case of estates wound up by composition that were not under the immediate control of the court, the costs were 7½ per cent., and the law charges 1¼ per cent. It was evident, therefore, that great advantage was derived from winding up the bankrupt's estate under the management of the creditors instead of that of the court. All that was wanted in England was the abolition of the court altogether, and the appointment of an officer to initiate all proceedings, leaving the management to the creditors themselves.

The President said that the discussion had been of a highly satisfactory character. There had been a remarkable preponderance of opinion in favour of the abolition of special jurisdiction in bankruptcy, and there had also been a strong opinion in favour of something which on the whole should resemble the system which had now for some years prevailed in Scotland. It was also generally admitted that the existing system relating to trust deeds was rotten to the core.

CONSOLIDATION OF THE LAW.

What would be the best means of reducing the Law of England to a Compendious Form?

The papers on this question, by Mr. McQueen, Q.C., and Dr. Pankhurst, will be found at pp. 176, 182.

DISCUSSION.

Mr. G. W. Hastings: We were much indebted last night to our distinguished friend, Mr. David Dudley Field, for an exposition of the opinions which he entertains with regard to codification. As you are all aware, Mr. Field has succeeded in codifying the laws of New York, and we are now about to consider the expediency of endeavouring to obtain something of a similar character for this country. The Association has lately moved in the matter, and I will state briefly what are the different motives which have induced the Council to endeavour to call the attention of Her Majesty's government to the subject of reducing the law to a compendious form. In the first place, we have had an example before us in the labours of the New York commissioners. We felt that an example had been set and a precedent given, which it was impossible to overlook, if we were sincerely desirous that something should be done in the matter; and not only had we the labours of the New York commissioners to fall back upon, but there were also the results of the Master of the Rolls' commission for preparing a code of laws for India. That commission has already completed and presented to Parliament that portion of the code which relates to the devolution of property, real and personal. Many have urged that it is impossible to provide a complete codification of all our law, and when reminded that on the continent of Europe there is already the *Code Napoleon*, they are apt to say, "That may do very well for Frenchmen and for the French law, but we are Englishmen, and have English law." But when we have before our eyes two examples of codifying English law, the one of a code actually complete, and the other of a code in the process of completion, I think this objection is practically disposed of. Among ourselves there have already been several pieces of work done which will undoubtedly clear the way for us. We have had, through the operations of the Statute Law Commission, a considerable clearance of the statute law in the way of expurgation of obsolete acts. I believe that that work is now actually completed. Of late years, a good deal has been done in the way of consolidating the statutes, as, for instance, the criminal statutes. Before the establishment of County Courts, and before those courts were invested with the large powers they now possess, a large portion of the work which now comes before the County Court judges was carried on before the Common Law judges and the Court of Chancery.

The suitors had the advantage of having their cause tried by men who were able to go into the whole subject, which is not now the case; and it must be admitted that it is a serious disadvantage, in reference to the changes which have been introduced into the administration of the law, that the law itself should be in a fragmentary, dispersed, and even doubtful shape. Looking at the wide jurisdiction which is now conferred upon the County Court Judges, the consideration forces itself upon our minds whether we ought any longer to allow the law of England to remain in a confused form. Let me ask you to observe the conditions under which the County Court Judges have now to administer the law. I think the country owes them a deep debt of gratitude for the ability and zeal with which they discharge their duties. They have an optional jurisdiction to any amount, and they are also invested with equitable jurisdiction to a considerable extent. Indeed, there is no reason why any day any County Court Judge may not have before him, and as a matter of fact he has constantly before him, cases of quite as much importance as the Judges of the Superior Courts. But they do not enjoy the advantage of a bar; they have no access to a law library; and they have no opportunity of consulting brother Judges. They have to do their business in a very rapid way; and to say that under those circumstances they are to administer justice in the same fashion as the fifteen Judges and the Vice-Chancellors is to demand an absolute impossibility. Now, so far from supposing that the jurisdiction of the County Court Judges will ever be curtailed in this country, I believe that in future years it will be considerably extended; the disposition being to grant year by year a larger jurisdiction to the local courts. There is no question but that a codification of the law would enable the County Court Judges to administer justice in a better form than it is possible for them to do so long as the law remains in its present fragmentary state. In 1864, at the York meeting of the Association, we had the advantage of hearing from Sir James Wilde a powerful and lucid address in favour of consolidating and digesting the case law—throwing out all that is antiquated and obsolete, and giving the rest as an exposition of what the unwritten law of England actually is. Having carefully considered the subject, the Council of the Association, in the spring of the year, sent a deputation to Earl Russell, praying that either a Royal Commission should be issued, or some other steps taken to frame a digest of the case law of England. The subject, however, has remained much in the same condition that all other subjects—except that of electoral reform—have remained in during last session. The time of Parliament has been so much taken up with party contests that nothing has been done, although Earl Russell stated that the subject was under the consideration of the government. Allow me to add, that our notion was that the work, so far as the case law was concerned, was to be undertaken as a whole, and not taken piecemeal. One question which has been raised upon the subject is, how are you to provide for changes in the law? My answer is, that a change in the code itself might be made precisely in the same way as you make changes in the existing laws—namely, by legislation. In former times, when the substantive law was found unsuited to the growing requirements of the people, it was evaded by legal fictions. So, as Mr. Maine has shown, it has been in all countries. The whole body of the Roman law for centuries consisted of fictions invented by the Roman lawyers to evade the precise terms of the twelve tables. At a further stage of civilisation, a system of equity is invented to modify the harshness of the law. But after a certain period, the time comes in all countries when direct legislation makes the law suitable for the people's wants. That time has arrived in England, and therefore it is time that we had a code; and the code when established will be easily and naturally modified, as occasion arises, by legislation. No doubt we shall have done for us the same work here as Mr. Dudley Field has done for the State of New York; but at the present moment there are obstacles in the apathy of the people, and in the prejudices of the bar and of the Judges. It is difficult, too, to get any work in the nature of a code adopted by Parliament. Lord Brougham has often dwelt on that difficulty. Mr. Greaves prepared a criminal code many years since with rare learning and ability; but it was not passed by Parliament, and has since lain on the shelf. But at any rate some step might be made. If we cannot have a code, we may have a digest; that would be a much lesser good, but it would not be valueless.

I trust the Council will continue to press the subject on the government, for there is none more closely connected with the welfare of the people.

Mr. Dudley Field: So much was said last night, both by myself and others, upon this subject, that there is not a great deal left to be said. If in the few remarks I intend to make I am disposed to go further than Mr. Hastings, I wish you to understand that I do not presume to know as well as he does the condition of England, or what it may want, or what may suit the temper of Parliament and the people. The primary difficulty, I think, lies in the separation of law and equity. If you wish to make a code or a digest, you find yourselves obliged to make two with a double set of rules. Now, I do not apprehend that there would be any difficulty in fusing law and equity. In your County Courts I understand that that is already done. [The President: By no means entirely.] But it is done to a considerable extent. I understand that they have equitable jurisdiction, and that they administer both the equitable and legal jurisdiction in the same suit. [The President: No.] Then I can only say, that that shows the absurdity of the whole thing still more. Only imagine a Judge being called upon to give a decision one way in one case and another in another. What you want is the same mode of procedure in all cases, and that legal and equitable remedies should be given in the same suit. You must have specific performance, the administration of estates, and many things not obtained by a purely legal process. What you require is, that there should be but one mode of procedure in obtaining the prevention of a wrong, and in securing redress for a wrong, after it has been committed. Then the question comes, whether you shall have a code or a digest. I confess that I do not quite understand what you mean by a digest. Take, for instance, a single chapter of the law with regard to factors. How can you have a digest that would not mislead the people, and that would not be worse than useless? A digest of the case law of factor and principal would simply result in misleading and entangling, because there is an Act of Parliament which gives the rest of the law, and has an over-ruling power. Without taking that into account, you would only be misleading the people. Then, again, what are you to do when there are two conflicting decisions? The Court of Common Pleas may decide in one way, and the Court of Queen's Bench in another; and the case then goes up to the House of Lords, who let it go off upon some immaterial point. In such a case, you would be obliged to take one or other decision, and that would in reality be making a code. And then if Parliament adopted this bad law, where would you be? You are no doubt aiming after a code, and the question is, how are you to get it? You want to go first through the transition stage of a digest, and I understand the question now for consideration to be, whether you should go through that process or attempt the other. My own experience is, that when you want a thing you should strike directly for it, and if you fail then, endeavour to get as much of it as you can. Mr. Hastings says the difficulty is in getting an enactment of Parliament, but does he propose to get a digest enactment? You must, I think, have a law-making power, or the whole thing would be of no use. If you simply give a digest of cases you may have half-a-dozen one way, and half-a-dozen another; and you would only get involved in interminable disputes as to what the law really was. But if you say, "This is or should be the law," you get rid of all difficulty. As to going at once for all you desire, I know this much—that the Parliament of England is the representative of the people, and whatever the people of England will, you will carry through Parliament, whatever opposition may be raised to it. If you all agree that you want a code, and that a digest is the means of obtaining it, you will soon get it. Then how is the legislature to accomplish the object you have in view? In America, the tinkering the revised statutes of New York underwent in passing was the worst thing that happened to them. But one of the great advantages of a code is the facility it affords for amendment. A facility of amending with accuracy and without disturbing the existing law, is one of the greatest of benefits, as constant amendments are required in small details. I may add that so far no attempt has been made in New York to alter the code of procedure in any essential way.

Sir Eardley Wilmot: As one of the County Court Judges, I am anxious to say a word or two in reference to their duties as bearing upon the subject of law and

equity. We have a common law jurisdiction and an equitable jurisdiction, the latter being limited, but still being of greater extent than our common law jurisdiction. At the same time we do not administer law and equity in the same suit, although we do it on the same day and in the same building. Each is carried on separately and distinctly. I must confess, however, that I often take upon myself, and I believe other County Court judges do the same (though perhaps against the law) to mix up equity with law, and I shall continue to do so until I am called over the coals for it. At present it is impossible for the County Court judges, travelling as they do all over the country and being unable to carry a library with them, to have access to the voluminous law-books which alone could guide to an uniformity of decision, and therefore it is of the utmost importance to them that there should be a more simplified arrangement of the law. If we could in one small box carry all that we required, it would immensely simplify our labours, and bring the law more immediately before the minds of the people. We live now in an age when difficulties apparently insuperable must be and are overcome. If anybody had told us some years ago that England and America would be able in the course of a few minutes to interchange sentiments of friendship, he would scarcely have been credited, yet such is actually the case now. We are living in an age of progress and advancement, and also in an age of law reform, so that I do not despair of seeing something accomplished even in the direction of codifying the English law. The subject is one which has occupied my mind for a long series of years, and before the establishment of this Association, I published a small work, in which I pointed out how a measure similar to that which Mr. Dudley Field has carried out in America might be enacted as the Code Victoria. I must say that it is not altogether without a feeling of jealousy that I see our American brethren going so far ahead of us in this work. But in this country there are many difficulties to contend with. The head of the legal profession is the Lord Chancellor. But with the other duties he has to perform, it is quite impossible for a minister of the Crown, in the position of the Lord Chancellor, to entertain any great measure of law reform. In order to secure that there should be law reform, I think there ought to be a distinct department of the Crown by which measures of this magnitude should be initated. In my opinion, there ought to be appointed by the Crown a permanent body of commissioners, not displaceable by Parliament, but headed, if you like, by the Lord Chancellor for the time being; and the duties of that commission should be to prepare and initiate such reforms as become desirable from time to time.

Mr. E. W. Cox: We are all agreed as to the unsatisfactory state of the law, but there seems to be a considerable difference of opinion as to the best means of remedying the evils of which we complain. Those means divide themselves into the two questions of consolidation and codification. I listened very attentively to Mr. Field, and was happy to hear his solution of the difficulty. I think there can be no doubt about the question that it is possible to construct a code; but the question is, can it be made to work after it is constructed? Hitherto a great difficulty has been found in the different meaning which different individuals attach to words used in a legal sense. It is frequently determined that certain words have a certain meaning in a certain place, but if you change them or transpose them, the question arises, what is their meaning then? I should like to hear from Mr. Field how that difficulty has been got over in America. In the case of the *Code Napoleon*, the decisions upon the code fill something like ten or twenty times the bulk of the code itself, so that however small the compass within which you reduce the law itself, it still cannot be read alone. In practice the French lawyer has as much to do as the English lawyer, and, I believe, the same has been the case at New York. For my own part I should recommend the consolidation of the law, and I may add that the number of decisions upon the Acts which have been consolidated have been wonderfully small. The present practice of introducing amendment after amendment into the law is most objectionable, and, as an instance, I venture to assert that the measure passed last session in reference to sanitary questions was a perfect disgrace. Instead of repealing previous statutes, it simply provided that nothing inconsistent with the Act then passed should be lawful, and the result is that nothing can be done without a constant reference to previous Acts.

Mr. Joshua Williams, Q.C.: Having taken a deep interest in this question, I am fully sensible of the difficult task we have before us. The difficulties are great. I think, however, that they might all be overcome, if we can only obtain sufficient time, sufficient money, and sufficient men for the performance of the labour. It will take a long time; the sooner, therefore, it is commenced the better. With regard to money, if you look at the enormous and increasing wealth of this country, and the sums that are spent in railroads and other public works, you cannot but feel satisfied that so wealthy a country could easily afford the money required, if the public at large were but alive to the importance of the task. The great thing is to choose the right men; and I believe that in a matter of this kind the only course that can be pursued is first to choose the most able men that can be obtained in each department of the law, and then to place confidence in the men so chosen. This is what is done in other affairs of human life. Is your dearest friend dangerously ill? You send for the ablest physician you can find, and place the patient entirely under his care. Are you at war with a neighbouring state? You choose the best general you can find, and place your army entirely under his command. I think that codification and amendment should go hand in hand. You must amend as you go on. But it must be borne in mind how important will be the functions of those to whom is entrusted the task of digesting and codifying the law depending on decided cases. These functions are now performed only by the House of Lords, in the exercise of its appellate jurisdiction. It is not always easy to say whether and to what extent two decided cases are actually at variance; and if they be at variance, no power but the ultimate Court of Appeal can now finally reconcile them. I think, therefore, that those to whom this task should be committed should be the very ablest men, taken both from the bar and from the beuch; for I look upon the task proposed as by no means beneath the dignity of a Judge. I think that a mere digest of our law would not only be impossible, by reason of the numerous conflicting decisions which have been made, but that, if made, it would hold us up to the ridicule of all civilised nations. Those who look narrowly into the existing laws of England, especially the law of property, with a view to reduce it to a compendious form, will find its anomalies and absurdities come out so strongly as to show the absolute necessity of its amendment. Take, for instance, the law of husband and wife. A married woman is trustee of a landed estate. The Court of Chancery appoints a new trustee, and the woman is bound by a decree of the court to concur with her husband in conveying the trust estate to a new trustee upon the subsisting trusts. By the law as it now stands, she is bound to go before a commissioner or a Judge to be separately examined, in order to ascertain that her concurrence is without the compulsion of her husband. Now, what could be more absurd? She gives her concurrence by the compulsion of the Court of Chancery, and she is absolutely obliged to do it, and yet this solemn and expensive farce is gone through every time a married woman conveys real estates on the appointment of a new trustee. Again, as the law now stands, it is competent for any person indebted, both by bond and simple contract, to vary by his will the rights of his own creditors, so far as they may have to be paid out of his real estate. It may be right that bond creditors should be preferred to simple contract creditors, or it may be right that all creditors of whatever kind should be paid rateably, but it cannot possibly be right that the decision of this question should be left to the debtor himself. I have myself tried to reduce to a compendious form certain branches of the law of England—namely, the laws of real and personal property—with a view to make them intelligible to students. Anybody who reads the text writers would suppose that the law is clear and plain; but the fact is that we blink the difficulties, and do not trouble beginners with anything that is not well established. My own opinion is, that the codification of the law, though difficult, is not impracticable; but I see no use in a mere digest of the existing law, except with a view to amendment and codification. I am sorry to hear from Mr. Field that he encountered so much opposition from the members of his own profession. With regard to the members of the profession of the law in England, I believe that if the work were placed in the hands of competent persons, but little objection would be raised by them. The best test of a man's ability is the estimation in which he is held by his professional brethren. None

should be employed in so great a work but those who enjoy the confidence of the profession.

Mr. Daniel, Q.C.: I must say that, until I had heard the discussion to-day, I did not fully appreciate the absurdity of preparing a digest instead of a code. But having heard the remarks which have been made to-day, I am prepared to concur in the accuracy of everything which has been stated by Mr. Field, and I am delighted at the confirmation which his remarks have received from Mr. Williams. I see now that if we were to publish a digest with all the existing glaring absurdities of the law, we should hold ourselves up to the ridicule of civilised nations. We have now before us the example of America, and when we find men living under democratic institutions submitting their will and mind to the judgment of men exercising their powers for the public good, we may be safe in concluding that there is nothing latent there, either in the civil or the criminal code, that will be dangerous to civil or religious liberty. I perfectly agree with some of the remarks which have already been made, that in making a compendium of the law, the best statement of the law would be found to consist in the use of the most careful expressions and the most exact and concise language. An observation fell from Mr. Field as to the fusion of law and equity. In principle that has already been done in Scotland, and I believe that it has been found to work satisfactorily.

Mr. Dudley Field: Allow me one word in answer to Mr. Cox as to the difficulty of constructing a code. In New York we have the most absurd judicial system that ever existed, and we have experienced the greatest difficulty in construing anything new, but up to this day there have not been four questions in dispute with regard to our code. It is as completely settled as anything ever was. And here let me ask, if there was ever a statute under heaven that underwent so much construction as Magna Charta. And who could measure the benefit which Magna Charta has conferred upon this country?

The President: After the very full, most eloquent, and powerful discussion we have had, the time has arrived when I should sum up the question. In the first place, I have one word to say on a matter somewhat personal to myself. This morning I delivered a written address on the business of this Department and upon such topics as occurred to me. In that address, in dealing with this subject, I spoke about it as a matter on which there was a general agreement, that we should proceed in the course pointed out by Sir James Wilde, and that there should be a digest prepared preparatory to a code. That was a point upon which it seemed to me there would be the most general agreement; but I confess that the discussion which has taken place in this room has opened my mind still further. In one case, a man speaking of a digest, has meant a digest which is to be a mere putting down into writing of all the case and text law, be it conflicting or be it not, which obviously is a thing which could not be embodied in an Act of Parliament; while in another case a man speaking of a digest, has meant something which is to include in itself the elements of a code. I think that no discussion has ever taken place in which the matter has been so plainly brought out as it has been to-day. I think that result is very much owing to the practical experience and to the eloquence of Mr. Field. The great difficulty hitherto has been to get an assembly in the House of Commons sufficiently large to be, in any sense, considered the whole assembly for practical purposes who will apply their minds to a discussion of this kind. I sat day by day on the committee which took into consideration the Bill for the consolidation of the criminal statutes. We took the existing law; we had as our assessor, and friend, and adviser, the gentleman who had drawn up the proposed Bill, and we called him to account for every change he had introduced into the existing law. The result of our labours was a Bill to which reference has already been made. We do not say that it is perfect, and we were chary of introducing any amendment of the law that was not obvious. In that respect we may probably have lagged a little behind. With regard to the questions more immediately under consideration, I think that if Parliament appointed a joint committee of the two houses to go carefully through a Bill prepared by such commissioners as we might secure, then I believe Parliament would, worked upon by public opinion, be induced to act in the spirit and course which have been suggested.

CHARITABLE BEQUESTS.

What Conditions or Limitations ought to be imposed upon the Power of disposing in Perpetuity of Property, real or personal, for charitable or other public purposes?

In addition to the papers on this question, by Mr. Hare and Mr. Bunting, to be found at pp. 189 and 195, a third was read by Mr. W. M. FAWCETT. After distinguishing between the old mortmain laws and the modern system, often incorrectly designated by that name, he briefly stated the existing restrictions on charitable gifts. He then proceeded to consider in detail the various arguments alleged in favour of the present system, contending that those arguments have lost their former cogency, and showing that under modern legislation, land in the hands of charities can no longer be said to be "locked up from commerce"; that there is no practical danger, at the present day, of the exercise of undue influence to induce dying persons to make charitable gifts; and that the "unjust disinherison of heirs," which it had been said would result from a relaxation of the existing restrictions on charitable gifts, is probably an unfounded apprehension. There was an inconsistency in the rules of the law which, while throwing impediments in the way of gifts for charitable purposes, yet showed the greatest favour to charitable trusts when once established. The evils attending the existing law of charitable gifts were many—for example, the litigation occasioned by the restrictions imposed on such gifts, the complexity of the provisions of the law, the great number of exceptions introduced by different enactments, the multiplication of secret or honorary trusts, and the failures which constantly occurred of the useful and benevolent designs of charitable donors. The paper concluded with an earnest plea for a relaxation of the restrictions on charitable gifts.

DISCUSSION.

Dr. PANKHURST: We have a great and difficult subject before us; the existing system is mischievous, inconsequent, and practically indefensible. Two extreme views are presented; the party adopting one of these views says that interference with the present mode would be spoliation; the party adopting the other, holds that interference with, and alteration of, the present system is absolutely essential. In the case where a man desires to make the State his heir, what is there in such an act which entitles him to exercise a posthumous authority over his property? It has been assumed that the instant the perpetuity term for which any property is given had lapsed, then the gift would no longer be used for the public purposes. The principle now submitted for consideration is, that if a man wishes to make the State his heir, and if he has devoted his property to that purpose by a regard for the public good, he ought to have a certain time within which his special intention might be fully exercised; but after the lapse of that time, if he thought the State worthy enough to be the master of his property, he ought to have sufficient confidence in the integrity and prudence of those who would have the management of it to believe that they would deal with it in the same spirit. It is upon this principle that the limitation of the intention of the donor is to be argued. In proportion as our civilisation progresses, and the obstacles of time and place become less, we get more perception of a national

Some of our charitable trusts are profitably managed; but even with them there are the evils attaching to a non-resident proprietary. The agents, as managers, have not the same sympathy with what is going on around them, which real proprietors would naturally and necessarily have. I differ from the view of Mr. Bunting, who seems to forget that the estates of the landed gentry cannot be tied up beyond a certain period. In the case of private interests there are always the recurring wants and necessities of families to induce sales, but in the case of charity estates you have against them the interests of the secretaries and others whose emoluments and influence depend upon the holding of these lands, and make them adverse to sales. You have, moreover, against sales the necessity in each case of a long and often wearisome negotiation with the Charity Commissioners.

Mr. D. P. Bunting: I think no alteration in the law is needed at all, and my only fear in the public interest is, whether the existing law, instead of being too strict, is strict enough. I think there is no economical reason why the distinction between real and personal property should not remain. The evidence given before the parliamentary committees conclusively established that no alteration was necessary. The real and serious question for discussion relates to the new doctrine, whether the application of the principle of perpetuity which prevails in the case of private property, should be carried to the case of property intended by donors to be devoted to public purposes. The arguments on both sides have been well and fairly stated in the papers which have been read. One thing is quite clear that, in the present state of opinion in this country, there will have to be exempted from the operation of the proposed new law such property as is intended to serve religious purposes. If such property is included in the operation of the law, a serious difficulty will arise and cause embarrassment, which it is desirable, for the sake of religion itself, and upon every other consideration, to avoid. You will never get to a practical settlement of the question if you include property intended for religious purposes. If, on the other hand, you do not include it, you get into this difficulty, that so large a class of property will be exempted as to make the application of the proposed principle very partial. Then the question as to whether certain property is or is not intended for a religious purpose will be more or less intricate, and that will meet you in the case of the greater number of the charities of the country. Unless we have a perfectly free system which left the matter exempt from all legal interference and control, we shall do under the new system just that which is one of the things we wish to prevent—give facilities for the perpetration of what Lord Brougham has called frauds on the law, which have attended so constantly on the operations of the existing system for the last 120 years. We shall never repress the natural desire of men to endow particular objects, and especially particular public objects, but we shall force them into all sorts of contrivances to evade this new law of perpetuity, and the legal profession will reap very large benefits thereby. The propositions which I should advocate are, that we should have an entirely free system, maintaining the present principle, that no property shall be devised under undue influence; and then that property not given under undue influence would be better managed under the control of some high officer. I am strongly in favour of increasing the powers of the Charity Commissioners, but an alternative might come as a last resource—viz., the constitution of a special board with power to deal with all these questions.

Mr. G. R. Tennant: I differ from the last speaker. In Scotland there is no particular law regarding charities, and the only restriction there on the power of testators is the restriction which applies to all kinds of real estate, the law of death-bed, under which a deed executed within forty days of the death of a testator has a presumption raised against it, which presumption may be overcome by certain evidence. The power to dispose of property, whether personal or real, is a power which arises in a great measure from the law of entail; there should be no distinction as to the disposition of real or personal estate, and there should be no check upon the power of the donor except such as might arise from the exercise of undue influence. It might, however, be provided by enactment that, in every case where within a limited time property was to be devoted to charitable purposes, there should be a presumption against the deed, so as to throw

on the party setting it up the *onus* of showing that everything was fair and right. The disposition of property should be in a great measure free and unrestricted, and government commissioners should be appointed to check all abuses, and to see that the original intention of the donor was carried out.

Mr. T. Webster, Q.C.: I do not acquiesce in the view that increased facilities should be given to men possessing property to tie it up for particular objects which had their origin in their own fancy. I believe that the original views and feelings with which the first laws on the subject were introduced were sound. It is not beneficial for individuals to establish in perpetuity any institutions, however innocent their intention may be, if they are not adapted to serve the purposes of public good. These things, however, must very often be left either to the Court of Chancery or the Charity Commissioners to regulate, and the view I take of gifts in mortmain is that they require to be governed and regulated in their origin, as well as in their application and working.

Mr. Hare: When once a gift is recognised as for public uses, the question thenceforward is not a question of jurisprudence to be decided by a court of justice, but a question of administration, to be decided by the policy of the State, and under the direction of the people. With respect to the various religious bodies, I would place them all upon the same footing of perfect equality as regards bequests made to them, and I think that the difficulty suggested in relation to them would thus be removed.

The Chairman (Mr. West, Recorder of Manchester, in the absence of Mr. Denman): The great question before us is whether there ought to be any change in the existing law or not. The suggestion that the distinction between a deed and a will should be abolished is well worthy of consideration, and the real object of these meetings, it appears to me, is, not so much to guide the legislature in direct intervention in the matters discussed, as to inform the mind of the people generally with regard to what did exist, and what might exist hereafter if certain reforms were entered upon. There seems to be a growing opinion that more should be put into the hands of State departments in this matter of charities, and that also is a question worth considering. There are several difficulties arising on both sides of the question which it is no part of my office to attempt to solve, and one of the greatest of these is the religious difficulty. I hope, however, that the discussion on the subject will lead to some practical benefit.

MR. HARE'S ELECTORAL SYSTEM.*

Mr. Hare's paper will be found at p. 202. Before reading it, Mr. Hare referred to previous publications advocating the adoption of his system in Australia, the United States, Geneva, Belgium, and other places, and adverted to the comparatively small attention it had met with in political circles in this country.

DISCUSSION.

Mr. Thornton: It is important to distinguish between the principles and the details of Mr. Hare's scheme. The details are not capable of being read running, but the same sort of charge might be brought to a certain extent against almost every system of representation. If, previous to 1832, anyone had undertaken to explain to a stranger what the character of our representation was, and had told him in the course of his *resumé* that in Preston something very nearly akin to universal suffrage existed, that in other boroughs, such as Gatton, there were next to no electors at all, that in one town the electors were freemen, in another free voters, in another people who paid scot and lot, in others "pot-wallopers,"—if he had been told all this, he would have had only a very indis-

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* See *Transactions*, 1862, p. 110; and 1865, p. 163.

tinct idea of what our representation was. The same sort of objection may be raised to this scheme. It is impossible for anybody to understand it without taking the trouble to study it. We must begin by separating the details from the principle. If we accept the principle, the mode of carrying it out may be left to the nation. The essence of Mr. Hare's scheme is that any man who has a vote, may vote for whom he pleases. We ought not to refuse to entertain a scheme which attains such an end on account of any singular complexity about it. There would be no swamping, and there would be no difference of value or weight attached to a vote, owing to the place in which the voter happened to live; on the contrary, true equality would be conferred upon the suffrage, and there would be a larger scope of choice given to the voter. Another merit of the scheme consists in its universal applicability. Take for a moment our existing system. In spite of its gross inequality, and of all its defects (and their name is legion), if Mr. Hare's principle were embodied in it, it would work so well, that there would be no great demand for a change. Nor could we prepare better for universal suffrage than by endeavouring to induce its advocates to accept with it Mr. Hare's scheme. Whatever the merits of universal suffrage may be, those merits and advantages would thus, I think, be ensured still more completely. Intimidation and bribery would be rendered even more impossible; and, above all, it would ensure the representation of minorities. Entertaining, as I do, a decided antipathy to universal suffrage, I would consent to accept it cheerfully if I found coupled with it a scheme which would secure the representation of minorities.

Mr. Raper: At the present moment the suffrage does not enter into the question. The method of getting at the opinion of those who are on the voting lists is the real question. Mr. Hare submits that, at the present moment, those now on the list and entitled to vote are not enabled to vote in such a way as to express the opinion of the nation, and he gives as an example such places as London and Manchester, where great minorities are virtually not represented. I believe that in the borough of Lambeth the number who do not vote are larger than those who do; in some cases as many as 16,000 out of 20,000 will not cross their threshold to vote at all. But Mr. Hare says, "I want to enfranchise those men, because, although nominally on the list, they are virtually without the franchise." I think that that is a question which ought to be thoroughly understood. Mr. Hare says, "that at present out of the number entitled to vote, a great number do not vote, and that those who do, vote in despair." He says, "I want to enable every man to vote, so that his opinion may be represented in Parliament." Now, I am sorry to say, that that cannot be accomplished by this proposition without something more being accomplished also. Mr. Hare's scheme is a grand reform bill. It proposes electoral districts in effect, and more than that, equal electoral districts. Intermixed with his valuable proposition there is this difficult problem, that the total number of electors is to be divided by the total number of persons which are to be elected. Now, that is equal electoral districts, which is one of the points of the charter. I see several members of Parliament present; there is one who represents 465 voters as a total, but 240 will take him in. The other represents 2,285, and it requires 1,200 to win. I belong to a constituency of 24,000, and I have therefore the twenty-four thousandth share in electing two members; but if I go down to Tiverton, I am a much more important man. In Manchester no man touches his hat to me or calls upon me at all in election times, but I should be a very important man among 400 electors. There is one thing for which I like the proposal of Mr. Hare, and that is, that it will destroy the possibility as well as the necessity for canvassing, such as that which at present candidates have to submit to. At present an elector may go into a booth and vote for whom he likes.

Lord Robert Montagu, M.P.: No, the person he votes for must have been nominated as a candidate.

The President: The present law is, that any voter may vote for any candidate at any election, and he may vote for himself if he is a candidate; but if he votes for any man who has not been nominated as a candidate, the result would be that his vote would be thrown away.

Mr. Raper: I have certainly a strong impression that at the present moment

the electors are not confined to voting for persons who may be nominated. I remember the case of a Lancashire man who did not vote for a person who was not a candidate; he said, when asked for whom he voted, "I vote for myseen." An endeavour was made to make him understand the matter, but without success, and the vote was ultimately recorded as he gave it. If there had been enough of them, he would certainly have got in. Now, Mr. Hare proposes that the whole of the electors should be supplied with a list of the entire number of candidates, and that from those men he should choose whomsoever he likes. The papers are then to be collected together, the numbers added up, and those who have the greatest number will be returned. There will be no adoption of the ballot, but the voting papers will be signed and sent up openly. I believe that the adoption of this principle would destroy bribery altogether; it cuts at the root of canvassing, of intimidation, of bribery; and what is better than all, it destroys the knowledge of the state of the poll as the election is going on. At the last Wakefield election, it was when they were running one and one, and they knew the state of the poll, that the temptations came, and the bribery began. The destruction of the knowledge of the state of the poll would prevent all that.

Mr. Wilson: I have no doubt that the adoption of Mr. Hare's scheme would be productive of some advantages. We should get a much better House of Commons than we possess at present; but upon entering upon so large and radical a change we should consider, not whether this plan would give us a better house than we have now, but whether it would give us as good a one as it is possible for us to have. I understand the essence of the scheme to be the representation of minorities; and with the opinions I hold on political subjects, I believe that that is the great problem of the day, and that unless it is intelligently solved, and very soon, serious results will ensue. The question of the extension of the suffrage is now advocated in all circles, and all are agreed that something should be done, so that when the great change comes, which is inevitable, it should not be effected in such a manner as to swamp minorities. Now, I will ask Mr. Hare if he is quite satisfied that his scheme, excellent as it is, is the most perfect measure that could be conceived for the representation of minorities. Mr. Hare enables a voter in one neighbourhood to vote for some eligible candidate in another neighbourhood, with the hope of securing some result by that vote. But in entering on the consideration of the modification of the representation in the House of Commons, we must consider that the object of all true reformers is to get the House of Commons made as correct a representation of the whole mass of the people as it can be made. At present it is singularly defective in that respect. There are large classes greatly over-represented, while others are not represented at all. It is excessively important that we should adjust the representation of class to class, so that every man in the community should have a hearing. Mr. Hare's scheme would enable the voters to record their votes in such a way that they would be somehow represented. But the number of electors representing particular interests in the community will always be disproportionate one to another, so that if all the electors have an opportunity of giving an equal vote, class interests will be unduly represented in Parliament, the one against the other. All classes should be represented in the House of Commons with perfect equality. Another great objection I have to Mr. Hare's scheme is, that he requires the names of all the candidates to be put down on a sheet of paper. Our object is to send the best man to Parliament whom we can get; but by this system it is pretty obvious that a large advantage will be given to a man of metropolitan celebrity as against a man of intelligence and ability, who is only known locally. The popular man who is being paraded before the public every day of his life, and is getting paid for it, will always be elected in preference to a man of intelligence and ability, but of mere local celebrity. How would the latter ever be able to get a sufficient number of votes? With sincere admiration for Mr. Hare's scheme, and fully alive to the greatness of the point to which he has directed so much attention, I cannot give an entire adherence to his views, although I have a thorough conviction that, unless the great problem of the representation of minorities be soon solved, something serious will happen in the country.

LORD ROBERT MONTAGU, M.P.: I think Mr. Hare has been unjust to himself, and has formed a wrong estimate of the amount of attention his scheme has secured already. He says, he supposes that very few persons have read his pamphlet and are acquainted with his proposals, and that certainly there are not ten members of Parliament who have mastered the question. Now, I believe that every member of Parliament who is desirous of doing his duty has studied this scheme, and that it has secured a large amount of attention. Mr. Hare does not attempt to hide his principle, and it is to that I found an objection. He says that his plan will secure a larger competition for each seat, and that then only the highest class of candidates will be elected. I look upon the scheme as involving an entire revolution. Our present constitution is to be entirely swept away, and a new constitution substituted for it. Now, what is the competition at present, and the effect of that competition? Take the town of Manchester. Four, or perhaps, six candidates come down and are offered to the choice of the electors, and the competition now lies between those men; but the competition according to Mr. Hare's plan, would lie between 1,200 or 2,000 men. In Manchester, whoever may be elected are Manchester men, or are representatives of Manchester. They must consult the opinion of their constituents on certain points, and if they act contrary to that opinion, or disregard local interests, they would not be elected again. At present, a member of Parliament is a representative of his constituency, but under Mr. Hare's scheme he would not represent a single place. The members, if there were manhood suffrage, would be elected by 4,000,000 electors. They would not belong to Manchester, Liverpool, or London. They would not be local representatives, and local interests would be entirely disregarded. At present, one man is member for Tiverton, another is member for Manchester; but if Mr. Hare's scheme be adopted, there will be no member for Manchester, no member for Tiverton, and no one man will be more acquainted with a particular locality than another. That, I maintain, would be a great injury, and if that scheme were adopted we should bring about an entire revolution. Mr. Hare says, that in consequence of that larger amount of competition only the highest class of candidates would be elected, such men as Mr. Disraeli and Mr. Gladstone. But what are you to do when they die? A man must gradually rise up before he can belong to the highest class of candidates. At present there are young men elected and chosen by different constituencies who have to educate themselves until they become statesmen, but under this scheme they would be entirely excluded, and when Mr. Disraeli, Mr. Gladstone, and men of that class were dead, who would take their place? Sixty years hence, a man, who might under the present system have become a great man, would not be elected because he would not be known. But there is a far greater evil in the back ground. Under this scheme you cannot canvass. That is quite true. And you would not be able to bribe. But what would take the place of canvassing? You would have political combinations in the interest of the Carlton and the Reform Clubs spread over the whole country. Many men are sent down now by the Carlton and Reform Clubs. Those clubs have their legal representatives in almost every town; but, nevertheless, local interests are in many cases too strong for them. If the candidate once offends the locality, the influence of the clubs is powerless; but sweep away that local interest, do away with Manchester, Liverpool, and even London, and spread the area of election over the whole kingdom, and the result will be that the election will be carried on entirely by the club interest. The potent men at elections will be the attorneys and solicitors engaged by those clubs. This is an evil of too great enormity to be tolerated. Mr. Hare said, what we have to ask is an expression of the collective force of the national mind? He expressed himself rightly. He did not say the various expressions of the various phases of the national mind, but one expression.

MR. HARE: I ought to have said the various expressions.

LORD ROBERT MONTAGU: I am glad to have elicited that explanation, but I maintain that if he corrects his expression he must alter the whole principle on which his scheme turns. He desires to have not a single expression, but an expression of all opinions throughout the country, local as well as general. I say it is impossible to do that. There would not be two sides of the house as at

present, one consisting of the conservatives, and the other of liberals, but 658 of the most popular men in England would be elected, and they would be all on one side. Now, that has never been the case hitherto, and the result has been that a measure proposed by one party has been opposed by the other; its weak points have been pointed out, objections have been met and answered, and by this opposition to different parts, and that clashing of opinion, you do at least secure the passing of a superior measure. Under Mr. Hare's scheme, the 658 members being unanimous, would propose what measure they liked, and carry them. Those are the chief objections which I have to the scheme, but to my mind there is another, which raises an insuperable difficulty. He says, "Let any voter write down two, three, or as many names as he pleases, and those who have the proper quotient will be elected." Now, if Lord Palmerston were alive, everybody would write down his name first. What would you do with his superfluous votes when he had made up his quota? One paper might have Mr. Disraeli's name as second on the list, while another would have Mr. Gladstone's. Would not the result be, that in counting up the numbers, if the clerks happened to be conservatives, they would add all the superfluous votes on to Mr. Disraeli, while, if they were of the radical complexion, they would give them to Mr. Gladstone.

The PRESIDENT: The scheme would not have that effect; the danger is guarded against.

Mr. KYLLMANN: It is alleged that if the scheme be adopted local interests would not be represented. Now, what do we mean when we talk of local interests? I suppose we mean that local interests exist in the minds of the electors, and only so far as they exist and preponderate over other considerations, is it desirable that they should be represented. A scheme which proposes to give every one a fair chance of being represented, gives a fair chance for all these local interests being represented; but in the same way, if in the mind of the electors imperial interests preponderate, is it not desirable that they should be represented? Already it is found almost impossible for Parliament to attend to these local interests, and there are many who believe that by far too much of the time of Parliament is taken up by them. In the development of our representative institutions a time will come when we shall take away the consideration of merely local interests from Parliament, and place them in the hands of provincial or municipal assemblies. Under Mr. Hare's system, which allows every elector one vote only, but makes that vote effectual, and ensures that no candidate shall absorb a larger number than is necessary for him, the power of all the electors will be equalised, which is much more than could be done by any mere system of electoral districts. If the country be divided into equal electoral districts, one candidate might be returned by 2,000, and another by 5,000, and it might still happen that in one constituency a candidate would be returned by a bare majority of one, while in another he might be returned by a majority of 4,000. Under such a system there would not be that perfect equality, with regard to every elector, which is provided by the scheme of Mr. Hare. Under this plan, too, only the best men would get into Parliament. I do not agree with Mr. Hare in all his opinions and details, but I do agree with him to this extent, that the tendency of his scheme would be to ensure a better class of representatives being sent to Parliament. Of course we could never have 658 men in the country like Mr. Gladstone or Mr. Disraeli, but if we get a dozen such men it is all the country can be expected to produce at one time.

Mr. CAMPBELL: The radical defect of the proposal made by Mr. Hare is that it looks only to the gathering of the opinion of the electors, and by no means to the qualification of the candidate who is to be elected. When we elect a member of Parliament, we elect a man for the performance of a certain duty, and it is necessary to consider the qualification. He is to be sent to Parliament in order to carry on that legislation which will be most beneficial to the country, and he has to legislate for all the interests which make up this great nation—whether shipping, manufacturing, or agricultural. The basis of our representation is that having regard to all the interests at stake, we shall have men qualified by their practical knowledge of the subjects likely to be discussed, to instruct the house as to what is necessary to be done. I submit that, by adopting the plan of Mr. Hare, that will be impossible. If the whole body of electors are to send to

Parliament 658 members, the result will be that the cotton and shipping interests, being greater than any other, it will be perfectly competent for them to return the whole 658. In that case the result would be to have in Parliament 658 representatives with a practical knowledge of only one subject, and fitted only for one particular class of legislation.

Mr. GRINDLEY: The principal objection against Mr. Hare's scheme is, that it will produce centralisation and destroy local government. It has been stated that imperial interests, and imperial interests alone, are those which the legislature should concern itself about, but we all know that local interests do, and very properly too, occupy a considerable portion of the time of Parliament. Imperial interests are such as will recommend themselves to every member, while local interests are such that they can only recommend themselves to persons who represent localities. Take, for instance, the question of the health of the people: every locality has certain causes which tend to produce ill-health, and any question affecting health must, therefore, of necessity, be considered in reference to the locality; and the locality can only be represented by gentlemen sent specially to represent it in Parliament. In Liverpool, they have been under the necessity of obtaining a special Act in connection with the Board of Health. The measure that was necessary there would not be required in most of the agricultural districts, or in many small towns, and giving, as it does, most stringent powers to the authorities, it would never have passed at all, if there had not been in Parliament gentlemen who thoroughly represented the local interests of the place.

Mr. WESTLAKE: The scheme of Mr. Hare would work this way. Suppose that the quota necessary to return one member is 2,000 votes, Manchester would be able to return twelve members. The majority, numbering, suppose, 14,000, would return seven, and the minority, numbering 10,000, would return five. The minority would, in point of fact, return as many quotas as it could count in its ranks. It is, therefore, impossible, as suggested by one speaker, that the scheme could lead to the whole house being of one colour; it is the very means of preventing such a result. Nor would it, as suggested, lead to a neglect of local interests. That suggestion, like some others, has arisen from considering rather what was possible than what was probable to be done under the scheme. To return to the example. Surely there are men in Manchester who could command 2,000 votes in their own city, and there would not be the least difficulty in holding, if necessary, a meeting of the liberal party in the city, and another of the conservatives, for each to arrange so to divide their votes as to make the best use of their strength. Again, take the case of a town which could not form a complete quota within its own limits, but which was desirous of returning some eminent local man. He would be able to command his own political adherents, and would therefore be far advanced towards his quota, so that it would be a comparatively slight difficulty for him to make up the rest in other parts of England. There need, therefore, be no fear that local intelligence and views would be less represented than they are now. With regard to the desire expressed by Mr. Wilson, that parties and interests should be represented in the House of Commons on terms of absolute numerical, instead of proportional equality, so that argument might turn the scale in favour on a division, it is really no opprobrium to the House that a night or two's debate seldom changes opinions, which ought to have been formed after long study and reflection. In a reading age, public opinion must, in the long run, be formed by the press. But the discussions in Parliament are read by hundreds of thousands of persons, and they penetrate the country far wider than any political writing. Thus, although we cannot reasonably expect the discussion which takes place on any single night to influence a division on the same night, yet there is no doubt that it does influence in a considerable degree the formation of public opinion, and through it the divisions of future sessions. It is therefore an injustice to opinions, which cannot command a majority in any local constituency, that the present system excludes them from the use of the most powerful political leverage in the country. By making up a few quotas from the whole nation, they would obtain access to the public ear in proportion to the extent and earnestness with which

they are held for the time being; and thus, as well with a view to present power as to progressive influence, Mr. Hare's scheme appears to be the only one which does justice.

Mr. Hare, in reply, referred to the observations of Mr. Wilson, whose labours on this subject in Australia and in this country* were known. It was true that unless some scheme were adopted for countervailing the effect of numbers, the poorer classes might have more representatives than the rich, and the more highly cultivated less than those who were comparatively illiterate. To obviate this, various schemes had been suggested. Lord Grey, Mr. Shadforth Hodgson, Professor Lorimer, and Mr. Wilson himself, had treated the question. It was very doubtful, however, whether it was possible, or desirable, to introduce a valuation of classes, even if it could be accurately arrived at. The working classes were divided into many sections and interests, and none would be strong enough to overpower or oppress the whole of the rest of the community. The educated and the wealthy had the greatest means of ascertaining and propagating the best and soundest opinions, and there was no fear that the truth would not prevail. The object to be sought was to enable the assertors and advocates of any just principle or opinion to be sufficiently heard. It was secured by this system. Any principle or opinion maintained by a single quota, or much less than a quota of voters, might be certain of its separate representatives. It would make Mr. Wilson's scheme itself more perfect, as instead of dividing the kingdom into electoral provinces, he might give to each of his selected nineteen interests the choice of twenty-five members, each of whom would have an unanimous constituency. No doubt, men of great eminence, Mr. Disraeli, Mr. Gladstone, and Mr. Mill, would be certain of their election, but there was no disadvantage in this, nothing was taken from others, for if they had 200,000 votes, the quotient only would be taken, and the rest distributed as each voter had directed, and the member with so large a surplus would have all the moral weight which such a manifestation of public approbation gave him. The apprehension of centralisation and neglect of local interests was most unfounded. The notion must have arisen from the adding up the votes throughout the kingdom, not for any combination, but only to ascertain what is a fair and equal constituency. It was purely absurd to suppose that because any particular Manchester or Tiverton voter might, if he pleased, give his vote to make up the quota of some Yorkshire, or Scotch, or Irish, or perhaps University candidate, that all of the voters in Manchester and Tiverton would be directly seized with a desire to vote for other than their local candidates and local men. Probably, nine out of ten would give their votes first for local candidates, as they do now, perhaps giving their moral support to the public men elsewhere, whom they admire, by adding them lower on the paper. Not only the present boroughs would be represented, but hundreds of other towns having now no members. Why was not Ely as well entitled to be represented as Tiverton? Under no system would young men of high promise be so likely to be brought forward early in life, to be educated for the career of statesmen, than under one which would enable every corporation or college in any university, and every society of learned persons, to make a distinct return of a representative, and which enabled every section of thoughtful men, however widely distributed, to combine on the election of him on whom they had the most reliance.

The President: In summing up what has taken place in the course of this debate, I will commence by assuring Mr. Hare that I entirely concur with Lord Robert Montagu, that there is hardly to be found a member of the House of Commons who has not more or less carefully studied his scheme. Indeed, it is a thing I have found everybody familiar with, and I do not wish Mr. Hare to suppose that we are so ignorant or careless of the progress of public opinion in the country, as not to have taken into consideration the plan he has proposed. And now let us consider what that plan is. I must confess, that although I had read and studied it on previous occasions, I have always found myself obliged to lay it on the shelf as an impracticable scheme; and the objections I have always

* See *Fortnightly Review*, April, 1866, p. 421.

entertained to it have not been removed by anything I have heard Mr. Hare, and others who are in favour of the scheme, say to-day. I do not think that the most powerful argument which has been used against this scheme has been adequately met. That argument was, that it is desirable to keep up the conservative element, by the representation of small as compared with large constituencies. Yet that is not the main difficulty I feel with regard to the scheme. It is honestly intended to meet several of the principal objections which exist to our present system: its gross evils, its terrible anomalies, and other matters which the legisture has in vain attempted to deal with; and if it did meet these objections entirely and satisfactorily, without leading to other equal objections, gladly and heartily would I at once announce my adherence to it. But I think there are many respects in which it by no means answers all the objections that may be made to it, or meets the evils which exist. The main objection which has been taken to the scheme at this meeting is, that you would not provide any means for keeping up a race of statesmen. I presume that there are in the country some thousands of men who, if they could find a constituency congenial to their tastes, and one that would elect them without involving an unreasonable expense, would be glad to enter Parliament; and from such men it is that future Parliaments and future statesmanship ought to be supplied. Mr. Hare says, that these men might be elected, by gaining, in the first instance, a great reputation in their college or university. That is very good, no doubt, in theory, but how would it work in practice? I happen to have had a little experience on the subject, which I think may be useful by way of warning. I had the honour, some years ago—pressed forward by the party to which I was known to belong—to be selected as a person who might be acceptable to the university in which I had had the good fortune to obtain some little distinction. Now, how was the affair practically worked? My non-election—for I was defeated by a considerable majority—cost me six times as much as my non-election by three votes at the last summer election at Tiverton. Now, how was that? It was partly because the electors were at a distance, and so it would be under Mr. Hare's scheme.

Mr. Hare: That was before voting papers were introduced.

The President: Yes, it was; but one had to approach the minds of the electors. One had to convince them that one was a candidate, but the amount of puffing, by advertising the names of the committee who supported one, and the enormous expense which was incurred through the agency of the press, was a far more oppressive thing to the candidate than that which takes place at an honest election for a small borough. Of course, that is not the sort of thing which a young aspirant for parliamentary honours with limited means would be willing to incur. But I do not see how, under Mr. Hare's scheme, a similar evil is to be prevented. I believe it would lead to an enormous system of advertising, whereby the rich and not over scrupulous man would acquire the means of getting into Parliament. Such men would resort to unlimited advertising, to puffing, and would make themselves great by the writings of persons paid to praise them; and that I think would be a most dangerous thing for the interests of the whole community. You would have elected for a certainty Mr. Gladstone and other distinguished men; but I am not clear how it would operate with regard to his political opponents, for I think that a great deal might be done by enormous numbers combining on one ticket, and so excluding even eminent men on the other side. I think that would be perfectly possible under the scheme of Mr. Hare. But independent of that there would be the enormous evil of making it equally certain that there would be a large class of persons unscrupulous, rich, impudent, and in every way undesirable as members of the legislature, who would come in simply because they had the means, either by themselves or others, of having their names placed conspicuously before the electors in every corner of the realm, with enormous lies told about them in the way of praise. Indeed the great Roupell would have had a far better chance under Mr. Hare's scheme, with the money he had under his command, than he even had in the borough of Lambeth, where his charities were so largely recognised. And then who are to come at the bottom of the list? It is very well to say that you might bring forward promising young men,

such as have been alluded to, but there are other persons who would make most admirable members of Parliament, and who would happen to know a good deal more about a certain county than a person who was likely to be accepted by 2,000 persons. One gentleman has done me the honour to allude to the little constituency which I represent. Now that is a constituency which will not be dealt with by the Carlton or the Reform Club. The gentleman who defeated me by three votes at the last election is a conservative. There is not a more excellent man in all other respects, that I know. The reason he beat me was because he was a person who had acquired great local influence from his excellent good conduct in the place in which he lives; and if I could swallow his conservatism, he is as admirable a man as there could be in the House of Commons. There he is at this moment, and he is a good instance of a man who could not be there under the system of Mr. Hare. I think he would be swamped and kept out by the immense preponderance of such persons as Mr. Gladstone, and men of great wealth. The only other observation I will make is one which is intended to avoid any ambiguity about terms. A great deal has been said about the effect the adoption of this scheme would have on the local interests of a place. Now those words have been used in two totally different senses. One speaker supposed that local interests really meant nothing more than the bare narrow petty interests of a particular place. In that sense I do not care a feather for local interests, and I regard it as a scandal when members of Parliament talk of attending to their local interests in that respect. It is a sort of bribery, and a mean kind of thing for a candidate to submit to, and I do not think that in that way local interests should be attended to. But when you have a number of boroughs spread over the kingdom with similar local interests, then I say it is of the greatest importance that local interests in that sense should be looked after, and that there should be no place, small or large, which should not have its representative in Parliament if it is really a place which represents an important separate trade or business. That kind of representation we have at present, but I think it would be materially interfered with by the proposed change. No doubt there are certain interests which do numerically preponderate, but their influence would be much extended by Mr. Hare's scheme, without due regard to the protection of other and smaller interests. That effect would be inevitable, and it is a point worthy of consideration when we come to consider a practical proposal for legislation on Mr. Hare's scheme.

THE IRISH LAND QUESTION.

Mr. J. L. WHITTLE, barrister-at-law, read a paper on "The Present Condition of the Land Question in Ireland." The question had begun to attract attention as early as 1835, and, though the circumstances of the country had since changed so much, this question still remained to be settled. The circumstances of Ireland when the question first arose were materially different from the present circumstances. The country then suffered from evils the direct result of the old system of leasing, an excessive population, minute subdivision of holdings, and very inferior husbandry. Another great evil was the embarrassed condition of the landlords. This latter evil had been remedied by the Encumbered Estates Act. Emigration had drained off a large portion of the superabundant population. A large portion of the country had been restored to pasture, which had been the chief mode of employing the land up to the middle of the last century. Tenants-at-will had been generally substituted for

ınscholders. But the old habit of the landlord leaving the make the improvements continued, and, to a great extent, still. The smallness of the holdings made it impossible for lord to make the improvements in a remunerative way. If nt was not evicted, all went well; but if he was evicted he improvements had been exhausted, he had no means of compensation from his landlord. This state of things dis- improvements. The principle of granting compensation gnised by Mr. Cardwell's Act, 1860; but the machinery expensive, and the compensation allowed too small. Four re introduced last session. Three endeavoured to remedy the encouraging leases. The fourth, that of the late government, ed to give all tenants-at-will a lump sum if they were evicted thirty-one years after the making of the improvements. It ot necessary to make the improvements with the consent of the rd, or even with his knowledge. If such a bill had become it would have directly encouraged eviction. All recent evidence e state of Ireland proves that the country has been slowly but ily increasing in wealth since 1852, and it further appeared that landlords are in many places adopting the English plan of making improvements themselves. Any measure that would give security the tenant without curtailing the rights of property would be a at boon to the country, and the altered circumstances of the ntry would give such a measure a better chance of success.

Mr. R. W. Gamble, barrister-at-law, read a paper on "Compen- tion for Improvements made by Tenants in Ireland; when and how r it should be secured by Law," of which the substance was as llows:—Much angry discussion and difference of opinion appeared have arisen in Parliament, in the press and elsewhere by reason of arties not taking a near and practical view of the subject-matter bout which it was proposed to legislate, and the persons for whose benefit this legislation was proposed. On the part of the tenants it was contended that thirty or forty years' possession was necessary to secure them a return for their outlay; while on the part of the landlords, it was said that six or seven, or at most fourteen years was quite sufficient. On the part of the tenants, that no previous consent of the landlords to the intended improvements should be required; on the landlords, that nothing could be more unjust than to compel them to pay for improvements to which they never assented, and which might alter their property in a way they did not desire. And so, with regard to previous notice of intended improvements, the one insists that, if required, it would stop all improvement, the other that nothing could be more just than that it should be given; that the tenants were right with regard to one class of improvements, the landlords in regard to another. Improvements should be divided into three classes, to be dealt with and provided for differently; (1) temporary improvements, such as extra-manuring, high cultivation, and sowing artificial grass seeds; (2) permanent improvement of the soil itself, such as drainage, sub-soiling, reclaiming waste, &c.;

(3) those by structures on the soil, such as buildings, farm roads, fences, &c. I. Improvements of the first class, which are in the nature of good husbandry, will be found far more important to the present state of Ireland than any others—important because they would affect the great bulk of the cultivated land in the country, instead of being restricted to the wet and waste lands; important to the great mass of the small farmers because they have neither the enterprise nor the capital to carry out other improvements; important because, if any advantage is to be derived from legislation on the subject, it must be by a measure which can be taken advantage of by the great body of small tenants; and yet no direct legislation has been hitherto proposed with regard to improvements of this nature, except in the bill of Lord Derby's Government, in 1852. In proposing compensation to tenants for improvement of their farms under this first class—that, is by means of high cultivation, high manuring, and for grass seeds sown—we do not propose any new mode of legislation in this matter, but only an adaptation of the old principles of legislation to the new and altered rights of the landlord and tenant respectively, arising out of the discoveries and improvements in the mode of cultivating land, the old principle that "he who sowed should reap." Under the improved system of agriculture, the farmer not only puts into the ground the hasty and temporary cultivation which will be exhausted by the first crop, but also an elaborate and expensive cultivation, which permanently improves the soil. He very often puts in also artificial manure, and the produce of artificial food, which he has purchased and consumed on the farm, and expensive artificial grass seeds, the benefit of all which will continue for years. Compensation should in some way be provided for him in case he is dispossessed before he has had an opportunity of being repaid. In England this is secured to the tenant by contract; in Ireland, where the tenants are of such a different class, this would be impossible. In England the average size of farms is, I suppose, 200 acres at least; in Ireland 15 or 20. There are in all 559,180 tenants in Ireland holding over one acre of land each, and of these there are no fewer than 40,136, or 70 per cent., whose holdings are between one acre and 30 acres statute. The remedy I propose is to induce the tenants themselves to change their system of agriculture, and carry out improvements of the first class—to invest their labour and capital in bringing the land to a high state of cultivation. If they do make such investment, it is entirely in accordance with the principles of the law and custom of England that they should be entitled to reap somewhat of the things which they have thus sown, as the English tenants are now entitled to do, under the custom of away-going crop. The question, then, arises with regard to the 15½ million acres of arable and pasture land and one-half million acres of reclaimable waste in Ireland, what is the mode of improvement to be applied? There are no statistics by which to ascertain how much of them would be improved by drainage. Perhaps a very full allowance would be one-eighth, or 2,000,000, acres; whereas at least one-half, or 8,000,000 acres, are capable of

a vastly improved mode of cultivation, and could thereby be rendered nearly doubly as productive as at present. The quantity of land in 1863 held in farms of over one and under 30 statute acres each was 7,134,299 acres, and the quantity held in farms above 30 and under 50 acres each was 2,176,936 acres. From these two classes alone it will be admitted that it would be easy to find nearly 8,000,000 acres requiring improved cultivation. Here, then, is really the field for the legislator, the political economist, and the philanthropist to discover and apply the means of stimulating the industry and enterprise and calling forth the energy and the capital of the landlords and tenants of these eight million of acres, that all might be employed in improving the mode of their cultivation, so as to increase their productive powers and scatter plenty through a smiling land. Drainage and improved cultivation, then, are the means to be adopted ; the former as applied to two millions of acres, the latter to eight millions of acres. As to drainage, let us inquire first how far it is possible or necessary to effect anything by means of legislation. If, as there is reason to suppose, by far the greater proportion of these two millions of acres of land requiring drainage is upon the farms of 50 acres or over, then, as these are mostly let under leases, which should not be interfered with, or are held by tenants of a respectable class, who are in a position to require from the landlord a fair contract in the matter, legislation is not so necessary. As to the land improvable by drainage upon the holdings under 30 or perhaps 50 acres, legislation can effect little. The entire number of occupiers of land holding over an acre, whether as proprietors or tenants, is 559,180 ; and of these the number of tenants holding over one acre or under 30 acres was 401,146, and the number holding between 30 acres and 50 acres was 72,050; making together 473,186, or nearly 85 per cent. of the entire occupiers, whether proprietors or tenants. It is plain, therefore, that any plan of improvement which is not applicable to, and capable of being taken advantage of by these 473,186 tenants will be almost useless, and that any plan which deals only with building, draining, and irrigation is beyond their reach. Nine-tenths of these 473,186 farms are in the most wretched state of cultivation, not producing more than one-half what they might produce. The remedy which I propose is to give the Irish tenant by law the same right to away-going crop to which the English tenant is entitled by custom—a custom which not only includes a share of the growing crop, but compensation for everything which he has done on the land within three years in the way of cultivation, and for which he has not been recouped. As what had been done for the land during the last three years would be matter of notoriety, no previous notice of these temporary improvements should be given to the landlord, nor previous consent be required from him. Small as this matter may appear to be, its influence on the present state of Ireland would be much more powerful than that which would hold out greater hopes, and promise much more largely, with regard to improvements which are beyond the reach of the great bulk of the small farmers. II. The second class

of improvements consist of drainage, irrigation, subsoiling, and reclaiming waste. They are of an expensive nature, and the tenant should not be considered to have been repaid his outlay by retaining possession, nor the value of the improvements to have been exhausted before, say, at least fourteen years. In order to be effective they should all, except the subsoiling, be done upon a previously settled plan, consistent not only with the requirements of the particular farm, but of the entire estate; therefore, if the tenant requires them done, the landlord or agent should be consulted as to the mode of doing them, and should have the option of carrying them out himself, and charging the tenant an annual sum for the outlay; but no premium should be held out to the landlord to take the work out of the hand of the tenant if he is willing to do it. The probable cost should be estimated beforehand, so as to ascertain whether the work would be remunerative, and the condition and value of the land improved, and the nature and extent of the work to be done should be ascertained, so as to lay the foundation for a future valuation. Notice of the intended improvement should be given to the landlord, for otherwise he would have no means at the end, perhaps, of 13 years of ascertaining whether the work had been really done. One right should, perhaps, be reserved to the landlord—viz., if there be no lease to resume the possession within 12 months. Within that time the tenant will decide whether he will continue to hold the land which he is not allowed to improve, and the landlord will determine whether he will yield to the tenant's views or insist upon possession, and there would be little doubt that the difference would in the meantime be settled by mutual agreement. III. As to the third class of improvements—namely, building embankments, farm roads, and fences—they differ from each of the other classes in a most material manner. They do not increase the productive power of the soil, and may be of no use whatever to landlord or succeeding tenant. No improvements of this class should be allowed without the previous consent of the landlord.

THE PATENT LAW. *

Mr. Macfie, in his "Proposal for Pecuniary Rewards to Inventors" said, that he would confine himself to one branch of the wide subject of patents. Assuming that enough had been said on former occasions to prove the inconvenience, unfairness, and impolicy of the present mode of dealing with inventors, he would now ask, what is a patent? Is it a deed of gift, a free grant of privileges, or is it a contract? Clearly the latter; it is a contract of sale and purchase. A person comes to the State and disposes of his secret on certain conditions.

* See *Transactions*, 1865, p. 260.

Such a purchase should not be compulsory, or, if so, its conditions should be fair and sensible. At present the bargain is a blind one. The State acts like some inconceivable merchant who pays the same price for every article he buys, whatever its value. The State requires its officers to buy every invention, and fixes beforehand the price—so many years of monopoly. If a price were paid in money, the value would have to be ascertained; this would depend on various considerations, such as the time, money, and risk spent in the discovery, the chances of others making the same hit, the amount of profit it is likely to bring, and many others. Now, if the State paid in money, the guardians of the public purse would take care that a proper value was set on the article purchased; but as it is the State pays out of other people's pockets, by granting to the inventor a share of State prerogatives, including the right to tax (as by royalties), and the right to harass and stop every one who wishes to use the invention. The inventor may usually permit another subject to use the invention, but he has the power to refuse and also to enforce his own price. Now to be debarred from the use of inventions is a severe hardship and a wrong. But further, as a rule, everyone engaged in a trade *must* use the inventions in that trade, and therefore must pay for them at any price. It is not, however, equally clear that after adding the cost of patent fees to their selling prices they can compete with rival manufacturers; especially since free trade has exposed British manufacturers to competition with producers in other countries who are not similarly burdened. Are we then, it may be asked, to cease to reward inventors? We may reward them liberally, but out of the public purse. There will then be sure to be some limit to the amount, some proportion between the money paid and the merit of the inventor, which at present there is not. There is, however, a medium course. Let the State continue to buy every invention offered to it, and let the price include both monopoly and money; the monopoly to be limited to three years, and the money to be limited by valuation. If this valuation were made by competent persons on equitable principles, the manufacturers might not object to bear the burden of the price in either of two ways, of which they should have the option; that is, they might either combine to pay the price down, or the patentee might be compellable to keep a record of his license fees and royalties, and as soon as these have amounted to the price awarded, with interest, his rights should *ipso facto* cease. No doubt it would be far better that the price should be paid by the State, and the number of valuable patents is so small that the revenue would not be greatly burdened, while a vast benefit would be conferred on the consumers. Mr. Macfie also suggested that a system of medals and honorary distinctions might be established, especially for those who might present gratuitously their inventions to the public, and that by the adoption of an international plan the value of rewards to inventors, both honorary and pecuniary, would be greatly increased. He further recommended that a Royal Commission should be issued to inquire into the working

of the scheme he had proposed, and concluded by a reference to the paper on patents read by him before the International Association of Social Science.

REPRESSION OF CRIME.

LIFE SENTENCES.

Is it desirable to carry out Life Sentences to the utmost? and if so, in what cases, and under what form of discipline?

The paper of Mr. M. D. Hill on this subject will be found at p. 213.

Sir WALTER CROFTON said: The importance of this subject at the present time cannot well be over-estimated, because transportation to Western Australia will almost immediately cease, and it has heretofore been the general practice to send prisoners under long and life sentences to that colony. The question, therefore, which has been proposed for discussion, Is it desirable to carry out life sentences to the utmost? and if so, in what cases, and under what form of discipline? is one which is most opportune. As the position of this country, with regard to life sentences, will be so materially altered, it is reasonable to assume that a punishment, which, be it remembered, is next in order to that of "death," and for which of late years it has become a frequent substitute by commutation, will receive from the proper authorities the grave and careful consideration such a subject demands; and it is certain that the co-operation of a well-informed public opinion with the treatment which may be decided upon is, on such a matter, of momentous importance. The treatment of life-sentenced prisoners is now the "missing link" in our chain of criminal treatment, which is very generally acknowledged to be based upon sound principles. Let us pass in review the different links of this chain.

1st. We have "Industrial Schools," for the reception of criminal children *under twelve years of age.*

2nd. "Reformatory Schools," for the reception of juvenile criminals between ten and sixteen years of age.

3rd. We have County and Borough gaols, in which, provided the Prisons Act of 1865 is safely and earnestly developed, an improved system of treating criminals may be anticipated.

4th. A "Convict system," which, although stringent in its requirements is yet reformatory in its discipline: and I would here call the attention of the meeting to the favourable results set forth in the Report of the Directors, which has just been published. The public will feel protected in learning that a convict must now earn his "ticket-of-leave," by a carefully recorded system of marks, before he can receive it.

Moreover, the convict system is now supplemented by a systematic supervision on the part of the police over "ticket-of-leave holders," which a very comprehensive parliamentary return, recently printed on the motion of Mr. Ward Hunt, the present Financial Secretary of the Treasury, proves to be of the utmost value both to the public and the well-intentioned criminal. So far all is well. We appear to be proceeding upon sound principles, which time, further experience, and earnest administration, will enable us still further to develop. But the great fact stares us in the face, that henceforward our gravest criminals must be retained in this country; the punishment next to "death" must be carried out *at home.* The present regulation with regard to "life sentences" (promulgated before it was known that transportation would be discontinued), sets forth, that such prisoners are to have no claim for release; that each case will be specially considered, but must not be submitted until the end of twelve years. The result is, that there is an impression upon the minds both of the

prisoners and the public, that twelve years will be, generally speaking, the equivalent for a "life sentence," if the convict conducts himself well in prison. Colonel Henderson, the Chairman of the Directors of English Convict Prisons, stated in his evidence to the Capital Punishment Commission, "that it would take a century to make the 'life-sentenced prisoners' in the convict establishments believe that they were not to be liberated." With a view to deter grave criminals, and to protect society against them, it is most undesirable that this feeling should continue. That it now exists, I perfectly concur with Colonel Henderson. That it is all important, that for the future it should be held that *liberty* is quite the exception, and not, as heretofore, the rule, I have no doubt whatever. There has been an idea in this country, that ten or twelve years' imprisonment was as much as could be endured, but I cannot find that this opinion was based upon experience. I believe that there never was a greater fallacy, and I moreover believe that we shall all be heartily glad to expose it, under the strong stimulus of our having henceforward to retain our "life-sentenced convicts" at home. My own experience in Ireland satisfied me that convicts could be detained for fourteen or fifteen years without detriment, and I saw no reason why, under special arrangements, they could not have been detained for an indefinite period. Being desirous of obtaining as much information as possible with regard to the periods of detention, I have very recently referred to Ireland, and to several Continental prisons, in order to receive the results of experience attained in them.

Information received from Ireland, September 28, 1866.

1. There are 68 prisoners under life sentences in Spike Island prison. 12 have been under detention for periods exceeding twelve years: 1 for between seventeen and eighteen years; 1 between sixteen and seventeen years; 2 between fifteen and sixteen years; 2 between fourteen and fifteen years; 3 between thirteen and fourteen years; and 3 between twelve and thirteen years.
2. Their health, considering increasing age, &c., is good, and they are all employed on the public works.
3. Their conduct is, generally speaking, satisfactory.
4. During the last five years, 9 prisoners under life sentences have been discharged, having served periods varying from twelve to fifteen years.

Information received in September, 1866, *from Bruschal Prison in Baden—*416 *cells.*

Convicts under life sentences have to pass six years in solitary confinement; they are afterwards transferred to associated confinement, unless they prefer to remain in their cells. At present there are five such convicts, all in solitary confinement. Two of the above have been in solitary confinement for long periods—one for fifteen years and the other for nine years—yet their mental and bodily health has not suffered. They have schooling, and we neutralise the bad effects of long imprisonment by changes of employment and diet. The prisoner under confinement for fifteen years was at first a cabinetmaker, then a shoemaker, then an upholsterer, and afterwards a wood-carver. All these prisoners are murderers. We are, on the whole, satisfied with their conduct, which is attributed to their very careful treatment.

Information received from France, September, 1866.

There are about 130 males and 20 females sentenced for life, on the average, annually. Healthy prisoners so sentenced are transported to Cayenne and New Caledonia, and are there employed in the works of the colony. Good conduct entitles them to receive grants of land, &c. Those prisoners who are not strong, or are over sixty years of age, are either sent to the central prisons at Belle Isle or the Bagne at Toulon. The males and females are allowed to marry in the colony. The conditional liberation system, as practised in Ireland, and now in England, has been applied to those colonies by the Emperor, in a decree of June 1st, 1859. It is certain that many undergoing life sentences have been under detention for twenty years and upwards.

Information received from Ghent Prison, August, 1866.

This prison contains a very large number of prisoners under "life sentences." They are living and working in the society of other prisoners; but all the prisoners who are comprised of those committed for five years and upwards are divided into three classes, according to their character prior to their sentence, and the greatness of their crime. Absolute silence is maintained between the prisoners. Communication with the schoolmaster, curate, and officers is permitted when necessary.

There are now in this prison 735 prisoners, of whom 202 had been sentenced to death, and 262 for "life." 34 have been in prison upwards of twenty years: 1 for thirty-three years, 1 for twenty-nine years, 1 for twenty-eight years, 3 for twenty-six years, 5 for twenty-four years, 2 for twenty-three years, 6 for twenty-two years, 6 for twenty-one years, 9 for twenty years.

The prisoners' health does not suffer much from their incarceration. They are employed at different trades. Their conduct is, generally speaking, satisfactory, and punishments less frequent than on those with shorter sentences.

I am now going to ask you to listen to a most important communication which I have just received from Captain Knight, a gentleman of the highest practical experience in the management of convicts, who, at my request, went to Belgium for the purpose of testing, by personal observation, the treatment of life-sentenced convicts in that country, and of making such comments thereon as he might consider desirable. When I inform you that Captain Knight was once governor of both Portland and Portsmouth convict establishments, and was subsequently a director of Irish convict prisons, you will feel that I am not inviting your attention to opinions which are merely theoretical. He is now a magistrate in Surrey, having, to the very great loss of the public service, quitted it, in order to give his personal attention to his own property.

Letter from Captain Knight, formerly Governor both of Portland and Portsmouth Convict Prisons, subsequently a Director of Irish Convict Prisons, and now a Magistrate for Surrey:—

"Bruxelles, Sept. 28th, 1866.

"My dear Sir Walter,

"With reference to your communication on the subject of 'perpetual imprisonment' in England, and your request that I should visit the prison at Ghent, and any others in this country that I might think desirable, with a view of ascertaining the manner in which 'life sentences' are carried out here and the effect thereof, I have, by the kind permission of Mons. Verhegen, the director-general of prisons in Belgium, inspected minutely the prisons at Ghent, Louvain, and Namur.

"At *Ghent* I found about 497 prisoners who had been sentenced '*à perpetuité*,' or who have had sentences of death commuted to this punishment. A considerable portion of the prisoners here are confined under the '*cellulaire*,' or separate system, and all have their separate cells at night.

"Many of these prisoners have been in confinement for very considerable periods. Thus—

"6 had been 25 years and *over* (one for 33 years)
"28 " 20 and under 25 years
"78 " 15 " 20 "
"12 " 10 " 15 "

"The men appeared in good health, mental and physical, and by no means depressed; they stated that they had always been in good health during their imprisonment.

"At *Louvain* the prison contains 600 cells. The system is entirely separate; it has been in operation since 1860, and therefore long periods have not been tried.

"6 have been 6 years on the separate system
"4 " 5 " "
"7 " 4 " "
"8 " 3 " "

"These prisoners appeared to me to be remarkably healthy, and the director, Mons. Stevens (a most able man), considers that their health has absolutely improved, and that their minds have in no way deteriorated.

"At *Namur*, the prison is for females. There are not many women now who have been in prison for more than ten or twelve years. A few have been in for longer periods. One had spent forty years of her life in prison, and another thirty-five years, the last twelve years having been consecutive; they appeared healthy, physically and mentally.

"I should observe that the punishment of 'death' is not absolutely abolished in this country, although in effect it is so practically. Life sentences are not carried out in their full integrity, as a prisoner may, by good conduct, obtain an alteration to a fixed period; say thirty, twenty-five, or twenty years. I find, however, a great deal in these prisons to confirm the conviction which I have long entertained, and which appears to be held by the prison authorities in this country, of the possibility of retaining criminals in confinement, more or less strict, during the period of their natural lives, without any of the terrible consequences which have been apprehended by many persons who have given attention to the subject. I may sum up the principal objections to such detention thus:—

"1st. The supposed certainty that the minds of a large portion of prisoners so sentenced must become aberrated.

"2nd. The fearful moral and physical deterioration of the prisoners.

"3rd. The danger to the warders and others in charge of them.

"I consider that the results produced in this country (Belgium) clearly establish that very long sentences can be carried out satisfactorily, without any of the evil consequences above alluded to. This success appears to me not to be attributable so much to the mere system in operation, as to the judicious attention paid to the individual disposition of the prisoners, and also to the high character of the officers placed in contact with them.

"The impossibility of any moral improvement and permanent reformation being effected with the prisoners, unless all persons employed about them are good moral men—earnest and faithful in their efforts to reclaim those under them—appears to be fully appreciated, and this principle is particularly insisted on by the authorities.

"I cannot see or imagine any reason why we should not carry out very long sentences equally well in England, making due allowance for the difference of national character, which is a somewhat important feature, and one that will call for much care and attention.

"Mons. Stevens, the director of the Louvain Prison, one of the most earnest, energetic, and best adapted men for the situation he holds, I have ever met with, is of opinion that any length of imprisonment (even in separation), may, under a judicious system be carried out without the slightest deterioration, moral or physical, of those subjected to it.

"I have given much thought to this subject, and have had much practical experience of convicts under various circumstances.

"In 1851-52, when difficulties arose as to the disposal of our convicts in the colonies, I proposed to the late Sir Joshua Jebb the establishment of a penal prison on an island off the English coast, for carrying out 'life sentences,' and for convicts found incorrigible under the ordinary system.

"The third objection really scarcely requires serious attention here. I am firmly convinced from my own personal experience that almost all serious and successful assaults on prison officers arise from negligence or carelessness on their own part, or from the want of what has been termed 'individualisation,' or, study of the individual character of the prisoners; so that many of them are placed in situations and at work from which they should have been carefully excluded. The danger of successful murderous assaults on officers will be found absolutely nothing under a judicious management.

"If the possibility of carrying out VERY LONG SENTENCES in a satisfactory manner is conceded, it only remains to consider the difference between this and 'life sentences.'

"The obvious and only real distinction which can exist is, that in the latter case the element of hope, so generally considered necessary to human existence, appears to be entirely cut off.

"I maintain that such will not necessarily be found to be the case. The hope of

complete liberty with the power of falling back to old associations, it is true, will be so; but enough may be permitted in the gradual remission of the severity of punishment still to produce a healthy action of the mind.

"Hope may, if found necessary, be held out that after a number of years' confinement with good conduct, the fullest liberty, consistent with their seclusion from the world, may be granted, under such restraint and surveillance as will be necessary to ensure their proper social and moral condition, and the impossibility of escape.

"In my opinion, the sentence of 'banishment for life' should be passed in a not less solemn manner than that of 'death' now usually is. It ought to produce the *certainty* in the minds of all present, that, on the removal of a prisoner from the dock, an awful sentence, that of 'civil death,' is to be actually carried out.

"I consider that the prisoner should be at once removed to a prison *specially* and *exclusively* appropriated for this purpose. The prison ought to be situated on an island to be entirely appropriated for the detention of these prisoners, for though they might be detained with equal security on the main land, the feeling of absolute isolation, and banishment from the world, will be thus rendered more complete and impressible on the minds of the community at large.

"The possibility of prisoners thus sentenced being placed in the same category with other convicts, should be, I feel convinced, most carefully guarded against; their association with the latter would at once establish in the minds of the prisoners and the public at large, that this system, in reality, would prove to be only a modification of penal servitude, carrying with it *eventually* 'ticket-of-leave,' complete pardon, and power to return to the world and its ordinary pursuits. This idea would, in my opinion, be fatal to the success of the proposed system.

"I remain, my dear Sir Walter,
"Very faithfully yours,
"C. R. KNIGHT."

I am sure that the opinion of Miss Carpenter will be considered of high value. She considers that "life-sentenced offenders" should, as a general rule, be absolutely cut off from society, without hope of restoration to it, and be considered as having undergone a civil death: that their state should not be invested with apparently agreeable conditions, and that the ordinary public should be kept aloof from communication. She thinks that islands adjacent to our coasts would be the best places for the purpose, and on them should be erected prisons and other establishments suitable for the development of a progressive classification, leading to such an improvement in position ultimately as to become the goal to which the life-sentenced convict must look forward. She says that the condition of the convicts should be manifestly worse than in the ordinary convict prisons, and lays great stress on the necessity that the system should be administered by persons of a religious and benevolent spirit. I have also received a communication from Mr. Neate, M.P. for Oxford, who was a member of the Capital Punishment Commission, and has given considerable attention to the subject of "life sentences." He writes from France, and regrets being unable to take part in this discussion.

"Chartres, Sept. 30th.

"MY DEAR SIR WALTER,

"I so entirely agree in your leading principles on the subject of life imprisonment, and you can speak of them with so much more weight and authority than I could do myself, that I have nothing to suggest in the way, either of modification or of argument on the subject as you present it.

"Your leading principles I understand to be—first, the possibility of maintaining life imprisonment as a reality, in a manner consistent with humanity; second, the necessity for that purpose, and the duty of providing for the gradual mitigation of the punishment; third, the expediency, if not the necessity, of separating those who are condemned to imprisonment for life, from criminals who are confined only for a term, however long.

"But the light in which I look upon imprisonment for life is chiefly as a

possible, or rather a probable, substitute, at no distant time, for the punishment of death, and as confined to those offences for which death now is the penalty; and I would observe that such a change in the law would obviously strengthen, very much, your argument for separating life prisoners from all other criminals.

"It would, of course, add much to the effect of life imprisonment as a punishment, if the distance between that and the punishment next in degree were increased by diminishing the maximum of duration of terminable imprisonment. I venture to think that this ought to be reduced from twenty years to fifteen, for to most criminals the difference between twenty years and life imprisonment is of little apparent importance; and, indeed, fifteen years is a maximum which even those imprisoned for life rarely attain to at the present time. So that if fifteen were made a certainty, for certain very heinous offences next to murder, the change I suggest might be effected with little, if any, diminution in the effect of the secondary punishment.

"I am, however, willing to admit that the substitution of life imprisonment for death, involves the re-settlement, in the way of reduction, of our whole scale of punishments; and this, with me, is one great argument for the abolition of the extreme penalty, for I believe that our whole scale of punishments is too high, and that our only excuse for the very long periods of imprisonment, which in many instances are inflicted, is the difficulty of knowing what to do with our criminals when discharged, from the want of an intermediate stage between imprisonment and liberty.

"I remain, yours very truly,
"CHARLES NEATE."

"Sir Walter Crofton, C.B."

I submit to the Section that I have adduced sufficient reasons to show that, if necessary, prisoners can be detained without injury for indefinite periods of time; but that as in the opinion of practical men the character of our criminals differs from that of those in other countries, inasmuch as mutinous combinations are there almost unknown, it is all important that we should retain our life-sentenced convicts in a special establishment unconnected with the ordinary convict prisons. The evidence given by Colonel Henderson, the chairman of the directors of English convict prisons, to the Capital Punishment Commission upon this point, is strong. He states that prisoners without the hope of liberty could only be confined in ordinary convict prisons by treating them as wild beasts in the Zoological Gardens: that those at present under life sentences knew perfectly well that they will be released.

But on the suggestion of Mr. Neate, the M.P. for Oxford, that they might be kept in a prison apart from other convicts, under a separate provision, Colonel Henderson states—"That that could be done."

He stated also that "he believed it would take a century to make convicts now under sentence of penal servitude for life believe that they would not be liberated."

I believe that we shall be quite justified in adopting the following conclusions, and in framing resolutions based upon them:—

1.—That from information received from the Continent, and from experience obtained in Ireland, it appears to be quite possible to detain convicts under "life sentences" for indefinite periods. And as the time has now arrived when we can no longer send this class of prisoners to Western Australia, it is most opportune that their special treatment should receive immediate consideration.

2.—That in the opinion of those practically acquainted with the subject, it is necessary that prisoners so sentenced should be detained in a special prison for the following reasons:—

Because, as long as they are in the ordinary convict prisons, they will, according to the evidence of Colonel Henderson and others, and I concur with them, consider themselves as certain to receive their liberty; whereas, it is most important that the criminals should feel, and that the public should know, that henceforward liberty will no longer be the rule, but quite the exception; that such punishment shall be in fact a "banishment for life," and should be so understood.

Because, with the hope of liberty thus cut off, it would, in the opinion of practical persons, be extremely difficult, if not quite impossible, to preserve discipline in the ordinary convict prisons.

Because, it is clear that with so strong a stimulus as that of the hope of liberty cut off, it will be necessary to substitute a special system of treatment quite distinct from that which is pursued in the convict prisons, and which is based upon very different conditions.

3.—That, if possible, both for the effect upon the public mind, and for other reasons, it is desirable that this "Banishment for Life" should be carried out in some island near our own coast.

4.—That, there is reason to believe from the experience which has been afforded by recent improvements in prison discipline, that a special system of treatment could be devised, which, under firm, but humane administration, would, while preserving a motive power to exertion, and the hope of amelioration of position under detention, be enabled altogether to dispense with a stimulus so fatal to society, as holding out to such grave offenders any prospect of their liberation.

Mr. T. Chambers, M.P., Q.C., Common Serjeant of London, said he had listened to the proposals that had been made with intense pain, and his objections to the entire suggestions were so numerous that he hardly knew where to begin. The submitted plan was based upon tacit assumptions of various kinds that were not proved, and that might or might not be true. It could not be denied that the whole object of that plan was to bring us to a state in which we should inflict more cruel punishments than we already inflicted. He repeated the assertion. A life sentence which was to be carried out as a life sentence, and in which the element of hope, if not altogether eliminated, was so feeble that it would have no practical effect, was assuredly a more cruel system than any we had hitherto had in operation in this country. He was greatly afraid, from the tone of the public press, and from the tone so far of the present discussion, that we were accustoming ourselves—the most humane amongst us—to quiet anticipation of a state of things in England which we had read of in history, and had mourned over. It might be that it actually was necessary to keep prisoners in gaol all their lives, without hope of remission; but there was no ground for tacitly assuming that the state of crime in this country was an absolute disgrace to us in the civilised world. He did not believe that there was an atom of truth in the assumption. Of course, we could not eliminate crime altogether, but he objected to the mere assumption that the state of crime in England was a justification for more severe punishment than that already inflicted. He did not believe the severe punishments that had been suggested, if put into operation, would deter from crime. He did not believe that the commission of murder would be deterred by any punishment whatever; for murderers did not usually belong to the criminal classes, murder being generally the single crime of the man's life, the result of an ebullition of passion or of some powerful motive, and committed without any calculation of consequences. As a proof that people could not be deterred by the thought of terrible consequences, he would instance the fork grinders of Sheffield, who, though knowing perfectly well that they were cutting off thirty or forty years of their life, and that with much more certainty than a criminal could feel of detection and punishment, continued their vocation just as composedly as if it was gardening or some other healthy occupation. His blood ran cold on hearing the elaborate provisions for inflicting life-long pain; and if the audience did not experience any emotion, it was only another illustration of his argument, for it showed that refined and susceptible persons could contemplate such things without a shudder. The true way to diminish crime was to increase our means of education, and to arrange the conflict between capital and labour, so that the latter should have a greater share of the former. If we fell back upon the harsh, cruel punishments of Henry VIII., we should not diminish crime, but, what was worse, we should diminish that susceptibility, humanity, and tenderness of feeling that ought to characterise a nation growing in civilisation. If Sir W. Crofton's suggestions were carried out, all the humane principles which had actuated him for years would be reversed. He sincerely hoped no resolution would be passed approving of the proposed change.

Mr. F. Hill denied that the object of the supporters of this plan was to increase punishment. They took their stand upon the ground that the sole business of punishment was the security of society, and that no one was justified either in falling short of what was necessary for carrying that principle into effect, or in wilfully exceeding it. He thought a murderer had shown an utter unfitness to be at large, and the only ground on which he would ever take part in urging the release of a man convicted of such a crime was the fallibility of human tribunals. As to the effect of imprisonment for life, he saw prisoners at Berne some years ago who, though under that sentence, were engaged in agriculture and horticulture, and showed that moderate degree of enjoyment which was compatible with civil death. He disagreed with his brother's recommendation as to the use of fetters, his own experience as an inspector of prisons having convinced him that the treadmill, whipping, fetters, branding, &c., were entirely unnecessary. He did not object, however, to a prisoner being obliged to work beforehand for every meal, and to his treatment being dependent in all cases on his own conduct.

Lord Robert Montagu, M.P. considered that this discussion opened out the important question of a Court of Criminal Appeal, by means of which the evil attendant on the strict carrying out of life sentences, where such sentences had been wrongly passed, would be obviated. His lordship proceeded at considerable length to discuss the importance of such a Court of Appeal, dwelling particularly on the Toomer case, and the conduct of the Home Secretary in the matter.

It was at length ruled that this had no reference to the question of life sentences, but a strong feeling was expressed in favour of a separate discussion.

Mr. Cartwright said he thought the law erred on the side of severity with regard to offences against property. It was important to consider whether it was necessary to resort to life sentences at all. He expressed his opinion that such sentences should not invariably be carried out; in some cases men so sentenced being far less thoroughly bad than others visited with milder punishments.

Sir J. E. Wilmot said: The time had not yet arrived when perpetual imprisonment could be substituted for capital punishment. Considering that the difficulty in the way of abolishing capital punishment was that no adequate deterrent punishment had been brought forward, the question arose how far life-long sentences might answer the purpose. He objected to the infliction of physical pain. The learned author of the paper had recommended the use of chains for criminals. God forbid, however, that we should ever revert to those times when pain and torture were inflicted upon criminals. Were these changes safely to be introduced into the country? How far would the people of England, attached as they were to liberty, sanction them? Numerous authorities contended that nothing was so destructive of life as a system of perpetual imprisonment. Besides, why should we resort to perpetual imprisonments? Was there any increase of crime which called for increased severity? The refusal of our colonies to receive convicts had led to the necessity of considering some mode of either keeping them at home, or providing for them in some other way. There was no increase of crime to call for increased severity, and he thought perpetual imprisonment was totally repugnant to our national character, and would practically prove inoperative, inasmuch as feelings of humanity would lead to the release of those condemned to it. The present difficulty had arisen from the ticket-of-leave system, which was a signal blunder in a country offering such temptations to plunder, and such facilities for combination, and it behoved the government to consider some other plan of dealing with persons sentenced to long terms of imprisonment.

The Right Hon. Joseph Napier entirely agreed with the views of Sir Walter Crofton, who had done so much to improve our prison system. He approved of a special prison for life sentences, but thought all hope of release should not be cut off. The officers should be men of Christian hearts, who would endeavour to elevate the minds of the inmates. In the peculiar position in which we were now placed, with the abolition of transportation, and the almost total abolition of capital punishment, the question under debate was one of paramount importance. It was desirable to come to some practical conclusion; he would, therefore, move the following resolution:—

"That the altered circumstances of the country with regard to transportation [illegible] the necessity that the treatment of life-sentence convicts should be [illegible] and that an [illegible] be taken for the punishment of slavery, as will [illegible] in the exceptional and not be [illegible] the rule."

Mr. [illegible] M.P. seconded the resolution. He entirely sympathised with Sir W. Crofton's views, but became in view of heavy punishment, and because there were now upon the list an large a number of commutations of sentence that it was a necessity to be in a position to deal better with life sentences. During the last eight years there had been 51 persons sentenced to death whose sentences were afterwards commuted to imprisonment for life. These convicts were entirely upon the present system of penal management, and they would, of course, if time secure their liberty. Instead of submitting to the idea of perpetual imprisonment, we ought to subject to the idea of murderers ever coming out. There was a strong feeling against depriving a prisoner of liberty for life, and yet for years gone sometimes it seemed hard to other criminals. All life sentences should not be met in a separate prison. A separate prison should be for those who had committed murder and whose sentence of death had been commuted. Prisoners sentenced for other offences might as go through the usual course, with the chance of receiving a remission of their sentence. The House of Commons he thought would very unwillingly enter upon a subject of this kind without greater information than was at present presented to it, the effect of any improvements in the convicts and elsewhere. He would like to see a commission issued to collect such information.

Mr. T. B. L. Baker said he would recommend two classes of life sentences—first, for murderers who were not in a bad sense—and second, for those who should have a chance of release on ticket-of-leave, but who should be under the lifelong surveillance of the police, and liable to be brought back if guilty of misdemeanor.

Lord Thurlow thought the penal servitude system might be expanded and improved so as to relieve the prisons, the convicts, and the gaolers. He thought Parliament had erred in extending the period from three years to five and from five to seven, for a number of petty offences rather than impose such sentences, and crowded to the county prisons. He believed if Sir W. Crofton's suggestions were carried out that capital punishment might be abolished. He objected however to that part of the resolution which declared that liberation should be the exception and not the rule.

Sir Baldwin Leighton said he believed from what he had seen in France and Belgium that perpetual imprisonment was detrimental to health. At a prison near Brussels he saw jars of cod liver oil which were administered in lieu of a higher scale of diet.

The resolution was then put to the meeting, and carried unanimously.

Mr. E. Ashworth remarked that society generally revolted at taking away life, and there should, therefore, be a special prison for murderers and those whose frequent commission of serious offences rendered them dangerous to the community. The percentage of crime in Manchester was double that of Salford and the adjoining townships, while in Liverpool it was treble that of the rural districts. He moved the following resolution:—

"That the opinion of those qualified to judge induces the conclusion that the retention of this class of prisoners under these circumstances in the ordinary convict prisons would be attended with danger to those establishments, and be detrimental to the prisoners; and that it therefore appears to be absolutely necessary to institute a special prison for the purpose, if possible, on some island near our own shore, in which a special treatment could be carried on suitable to the peculiar position of the inmates."

The Right Hon. Joseph Napier seconded the resolution, which was also carried unanimously.

THE EXTENSION OF CORONERS' JURISDICTION.

In what other public Institutions besides Gaols is it expedient that Coroners should be required to hold Inquests in all cases of Death?

The papers by Mr. Cartwright and Mr. Pope on this subject will be found at pp. 228, 232.

DISCUSSION.

Mr. CARTWRIGHT remarked on the importance of making inquests imperative in lunatic asylums. He did not believe that the managers or ratepayers would neglect or inflict injury on their patients out of deliberate cruelty; but there was always a desire to economize expense; and, by small degrees, this desire might gradually extend to matters affecting life. Wherever a man was deprived o personal liberty, it was necessary to provide against the possibility of injurious treatment, and inmates of asylums would feel less constraint in giving evidence if an inquest were imperative, than if a special investigation was only occasionally ordered. There should be publicity given to all investigations. He held that lawyers were the best men to fill the office of Coroner.

Mr. A. O. CHARLES read the following extract from a letter on this subjec from the Rev. Thomas Carter, chaplain of the Liverpool Gaol:—"I have always had a strong feeling that in all cases of death of a juvenile under conviction in a reformatory, whether from accident or natural causes, there ought to be an inquest; or, at all events, that notice of death ought to be immediately sent to the Coroner, leaving it to his judgment whether he would hold an inquest. Under the old Gaol Act, some maintained that a Coroner was not obliged to hold an inquest on receiving notice of a death in gaol, but under the recent Act of 1865, it is imperative on him to do so; and I cannot see why the provision does not extend to reformatories also since the subjects or inmates there are as much under legal detention as they would be in a gaol, and both are in a sense public institutions. I urged this matter on Mr. Sydney Turner, the Inspector of Reformatories, when the Reformatory Act of last Session was under preparation, and also upon some members of the government whilst the measure was before the house, but without effect, and I am rather glad at the prospect now presenting itself of public attention being likely to be directed to it through the medium of the Social Science Association. In the case of gaol inquests, the Coroner usually charges the jury to the effect that the inquiry is called for, not because of any suspicion of neglect or unfair play, but for the purpose of conveying to the public an assurance that though a prisoner, and shut out from the attention and sympathy of his own family and friends, every attention and care had been bestowed on the deceased. If such a guarantee is deemed necessary in the case of prisoners within the walls of a public gaol, it cannot be inappropriate in the case of prisoners (for legally reformatory subjects are only prisoners after all, under another name) detained within the limits of a reformatory institution; indeed, to me it appears more necessary in a reformatory than in a gaol, for whereas in the latter, in every case, there must be a chaplain, a surgeon—responsible men, controlled by visiting justices,—to the former, the reformatory, those functionaries need not be attached, and in very few instances are they found. There are managing committees, certainly, but these are not necessarily composed of responsible men in the sense in which magistrates are responsible. The dietary of gaols must be sanctioned by the Secretary of State, a sufficient protection that that element of health is sufficient, if not ample; but in a reformatory there is always a temptation to economise under that head, a principle apt to be carried too far. Now, the liability to the scrutiny of a coroner's jury would secure proper attention, not only to this point, but also to every other department of management. For these reasons, therefore, I say a reformatory is a public institution

in which it is expedient that Coroners should be required to hold inquests in all cases of death.

Mr. E. W. Cox said in the country districts there was very little difficulty in determining whether an investigation should take place in case of death, but it was very different in London, and he presumed in all large towns. It was impossible for a Coroner to know individually of all deaths that occurred, or the cause of them. He must be dependent on some informant not only as to the fact of the death, but whether it were one which ought to be inquired into or not. He was obliged to have a number of informers, sometimes a low class of persons, who were easily bribed, so that the most suspicious cases were often the least likely to reach the Coroner's ear. Very great improvement might be made in the machinery. A man on whom they could depend might be appointed, whose duty it would be to obtain information of every death, and to determine whether it was a case to go before a Coroner and jury. This would involve great cost, and this, though a secondary matter, was very important. He quite agreed that inquests should be held in reformatories, and he would have inquests held on persons dying in asylums. As to the workhouses, he held that the guardians, being elected by the ratepayers, would take care that nothing improper was carried on, and that so far inquests were unnecessary there. In the course of his remarks, Mr. Cox gave a very unfavourable description of inquest jurymen.

Mr. Shepherd urged the importance of inquests in all cases of sudden deaths, and instanced the number of children whose deaths were ascribed to being overlaid in bed as a proof. Though the law did not require inquests in asylums except for criminal lunatics, he contended they should be obligatory in all asylums, and in workhouses too, both to shield the officers from suspicion, and to secure the proper treatment of the inmates. A pauper might enter a workhouse, and die from what appeared to be natural causes, but it was quite possible that he might have been nevertheless ill-treated or ill-fed, and it was necessary that an inquest should be held on him. Inquests ought also to be held in reformatories.

The Earl of Shaftesbury said he thought Mr. Cox's description of jurymen overcharged, though he admitted that they were often incompetent to decide scientific questions. In London, however, jurymen were generally very intelligent men. It might be undesirable to insist on inquests in private asylums, as the relatives of inmates would shrink from the publicity which attended them; but this objection did not apply to public asylums, where it was well known that the inmates were paupers. The law required that the superintendents should inform the Coroner of every death, and he did not think an inquest should be required in every case. As President of the Commission of Lunacy he met with frequent and flagrant instances of deaths in these establishments being hushed up, the Coroner having taken no notice of them, and the Commissioners had sometimes heard of them six weeks afterwards, and been obliged to insist on an inquiry. The payment of Coroners by salary instead of by fees was, he considered, a most lamentable arrangement, for when a man had a comfortable salary he was apt to sit down and enjoy himself. The Commissioners had to exercise the most stringent supervision, or great abominations would be practised.

Sir J. E. Wilmot supported the proposal of Mr. Cartwright, urging that the increased expense ought not to be grudged in securing protection, particularly for the poorer classes. He saw no reason for exempting private asylums, and thought hospitals should also be included, as poor people were often afraid of being subjected to experiments.

Mr. Aspland, from experience as an hospital surgeon, expressed a low opinion of inquests, and pointed out that Coroners often dispensed with medical examinations out of regard for the ridiculous economy practised by the authorities. He thought the Coroner should be a legal man, and should be assisted by a health officer, and, with regard to Sir J. E. Wilmot's suggestion, he urged the injustice of medical men's reputations being sujected to the criticisms of small shopkeepers.

Dr. Lankester pointed out that the attachment of the people to Coroners' Inquests was based on the fact that the decision was in the hands of twelve neigh-

bours, and not in those of one man, and he perhaps a stranger. He believed an educated Coroner might often have a wrong opinion corrected by twelve uneducated men, and he never tolerated tobacco, or beer, or anything that detracted from the dignity of the inquiry. Even difficult cases they could comprehend if they were addressed in Saxon, and not in Latin. He then referred to the mismanagement of workhouses, which he attributed largely to the incompetency of the governors, and urged the good effect produced by frequent inquests. He thought that in the case of reformatories also, and many *quasi*-public institutions, information of deaths should be sent to the Coroner; and he made some remarks on the imperfect newspaper reports of metropolitan inquests, and on the desirableness of more complete information being afforded to Coroners.

The CHAIRMAN, in closing the discussion, expressed an opinion that the mode of electing Coroners might be improved, and that they should be made responsible to some tribunal. As to inquests in reformatories, they were invariably held in that in which he was interested, and it had always been his impression that they were so held by law.

INFANTICIDE.

What are the best means of preventing Infanticide?

The papers by Dr. Lankester and Mr. A. H. Safford on this subject are given at pp. 216 and 224.

DISCUSSION.

Mr. A. ASPLAND was of opinion that the law respecting affiliation was already efficient, and that if a mother failed in obtaining an order, it was generally because she did not deserve it. It was only in extremely rare instances that justice miscarried, and then it was because the woman failed to bring sufficient evidence to support her claim. He doubted the efficacy of more stringent legislation, certainty and not severity being the great principle of jurisprudence. He believed that the establishment of hospitals for women and children, as had been suggested, would be quite ineffective, and could only be applicable in a small part of England. The exposure of the women would be the same, and he believed they would as soon be exposed at home as in those institutions. In the north of England the sense of shame, he regretted to say, did not exist so much; and he had reason to believe that the absence of those qualities which ought to guide women in their actions was due to our factory system, which had a great deal to do with destroying the reverence for chastity among women. He referred to a scheme a friend of his had propounded for making a more complete analysis of the causes of deaths than could be made by the old plan of registration of births and deaths; officers should be appointed with districts much smaller than the Coroners now had to attend to, in order that they might know of everything taking place. They should be medical men, and it should be their duty to inquire into the cause of death. If this plan were adopted it would tend very much to lessen the crime of infanticide.

Mr. C. H. BRACEBRIDGE remarked that it was the most modest women who were tempted to commit infanticide, and urged that greater facilities should be given to women for getting up evidence in cases of this kind. He proposed that there should be a fund to supply them with the means of obtaining convictions, the money to be refunded by them afterwards: and whereas the *onus probandi* rested on the girl to prove her case, it should rest on the parish officer.

Sir J. EARDLEY WILMOT thought the calculation of Dr. Lankester's, that for every known murder of a child there was one unknown, might be applied to almost every other kind of offence, such as robbery, burglary, and even in the case of murder. There were immense difficulties surrounding the question how they might best deal with infanticide. It would be found that the destruction of these

children was not systematic; and in his opinion it was a crime which existed only at the birth of the first child, when the feelings of a mother had not taken their full effect upon her. After that period infanticide was most rare. As to the remedies, he entirely agreed with Dr. Lankester's proposed alterations in criminal law. Persons charged with committing infanticide were rarely found guilty of that crime by the jury, but only of the lesser offence, and no doubt juries were actuated in this by the feeling that there were circumstances which rendered such a woman the object of peculiar compassion and sympathy. He trusted the time was coming when they never would find a woman under such circumstances guilty of murder, punishable with death. It was desirable there should be a new enactment in relation to the matter. He thought that one of the best remedies was that if a child died after living seven days the woman should be subjected to a certain punishment, penal servitude being the extreme. In London frequently the bodies of still-born children were taken by a sort of contract by the undertakers, and buried with scarcely any ceremony whatever, simply in a wooden box. He would have all these deaths registered, and the undertakers should furnish certificates. The suggestion to have officers appointed throughout the country was valuable, and entitled to consideration. There were means of making a man responsible for his illegitimate child; the difficulty was not so much want of means as want of necessary evidence in support of the testimony of the female herself. There were ample facilities for enforcing payment. Another important part of the question was seduction, and he thought it ought to be made the subject of criminal proceeding, instead of civil, as was at present the case. It was one of the very worst crimes of which a man could be guilty, and they ought to make the offender liable to penalty as a misdemeanour. He referred to the system which was found to be in existence in France, namely, of families sending out children to nurse, and so getting rid of them; he could not believe it was virtually done with that intention. The police of Paris were making inquiries into this enormous state of things. He hoped that we would do our utmost to see whether seduction could not be made the subject of a criminal procedure.

Mr. T. Chambers, Q.C., M.P., pointed out that infanticide generally arose from shame when committed immediately after birth, and from the desire to get rid of an encumbrance when perpetrated later. The feeling of shame could only be diminished by lowering the tone of public morals, which would be a very ill-advised step. The motives to female virtue should be re-enforced, instead of being weakened, and nothing but harm could ensue from mitigating the shame, inconvenience, and hardship of unchastity. He expressed his approval of the Royal Commissioners' recommendations, and his sense of the importance of raising the moral tone of his own sex, though he did not believe the blame always rested with them. As society was at present constituted, it would be a cruel kindness to women to teach them to hope that the burden of their shame and suffering must not be borne wholly by themselves. He looked for a diminution of infanticide from making the punishment more surely consequent upon the crime, and more stringent in its character.

The discussion was continued by Dr. Hancock, the Rev. H. Solly, Mr. A. O. Charles, Mr. C. Ratcliff, Dr. Greaves, Rev. J. S. Birley, Mr. R. Dawbarn, Dr. Lees, and others.

Dr. Lankester, in reply said: The question was not to examine how so many children came unlawfully into the world, but how to prevent their being unlawfully sent out of it. He considered it was, in a great measure, a domestic question, and he accused the women of England—that is, many of them—of a hardness in their conduct to their servants, for he could not bring himself to believe infanticide would be so common if the mothers of families did their duty, by including their servants in that kind womanly superintendence which was the best guarantee of the purity of a household.

THE TREATMENT OF POLITICAL PRISONERS.

Mr. J. Pope Hennessey read a paper on this subject, of which the following is an abbreviation :—

"For the first time in the modern history of England the practice of treating political offenders in a manner different from other prisoners, was abandoned in December, 1865. "At the present day no doctrine is more firmly established in the received code of international jurisprudence than that a distinction exists between political criminals and ordinary criminals. Modern diplomacy has extended this distinction, and made it the subject of friendly intervention where such intervention has been deemed prudent. During the recent rebellion in the United States, the British Government expressed a hope that the executive at Washington would not allow the political prisoners to be treated like common criminals. About the same period similar remonstrances were addressed to the government of Russia, and a memorable instance of this benevolent policy was exhibited by England and France at the Congress of Paris, in the case of Naples. It is highly creditable to the government of the United States that the British remonstrances were in reality unnecessary. Not even during the severest crises of the rebellion, when the passions of the North were most inflamed, were the political prisoners subjected to the indignity of being treated like ordinary prisoners. Nor at this moment is there a single government on the continent of Europe which does not avow a similar enlightened policy. . . . The practice heretofore in England also has been in accordance with the general instinct of the civilised world. When Mr. Leigh Hunt was imprisoned in Horsemonger Lane Gaol he was not put in the prison dress, and subjected to the discipline of the prison. He was allowed, as a political prisoner, to furnish his rooms and keep servants." Sir John Hobhouse, Mr. Ernest Jones, the Chartists, Mr. O'Connell, in 1844, and Mr. Smith O'Brien experienced similar indulgence. "It further appears from the journals kept by O'Brien, Mitchell, and Meagher, which have been published, that on arriving at the penal settlements abroad the principle of treating them differently from common convicts was still maintained. In short, this principle has been enforced by successive administrations in this country until it was violated by the late government in December, 1865. In that and the following month a large number of political prisoners were sentenced at the special commission in Dublin and Cork to penal servitude, one for life, others for twenty years, and the majority for ten years. The moment sentence was pronounced the prisoner was removed to a cell beneath the dock, where his hair was cropped close, and his beard and whiskers shaved off; he was then stripped naked, his clothes taken away, and a canvas shirt and the usual coarse brown jacket and trousers of a convict given to him. According to the statement made by Mr. Blake, M.P., in the House

of Commons, which statement has never been contradicted, each of the political prisoners was heavily ironed previous to being removed. The only approach to a favour allowed any of the prisoners was that accorded to one who was almost totally deaf; he was allowed to carry his ear-trumpet, but being handcuffed, he managed with difficulty to hold it under his arm." At Mountjoy Convict Prison, and afterwards at Pentonville and Portland, the Fenians were subjected to precisely the same discipline as the other convicts, and of the severity of that discipline Mr. Hennessey gave a very unfavourable account. On behalf of one of the prisoners, his fellow-citizen, John Lynch, he wrote to Sir George Grey and received the following answer:—

"Home Department, January 15th, 1866.

"My dear Sir,—By the regulations for the government of the convict prisons in England, in which prisoners undergo in separate confinement the first period of a sentence of penal servitude, such prisoners are not allowed to receive visits from any strangers until after the expiration of six months from the date of the sentence. I do not think it would be right to make any exception to this rule in the case of the prisoners recently convicted at the special commission in Ireland, who are now undergoing their sentence in this country, and who are treated in all respects like other prisoners under the same sentence. I do not know what are the statements to which you refer as being published in Ireland, as to the treatment of these prisoners, but if you will send them to me, I will make any inquiry, that, after reading them, appears to me to be necessary, and I will inform you of the result.

"Believe me, yours very faithfully,

(Signed) "G. Grey.

"J. Pope Hennessey, Esq."

In less than five months after this Lynch died. Some time before his death he had been removed to Woking convict prison. "Owing to the courtesy of the present officials at the Home-office, I have been enabled to peruse the papers relating to his case, and amongst them I read a most touching letter. It was from the young lady to whom he was engaged to be married. As he did not survive the first six months of separate confinement, he was never permitted to see her again, to write to her, or to receive any communication from her or from anyone else. The rule was inflexibly applied by Sir George Grey which prevents a convict from writing or receiving a letter except once in six months." From Pentonville most of the surviving political prisoners have been sent to Portland convict prison, where they work in gangs with burglars, murderers, and the lowest class of malefactors, and have to perform the roughest and most dangerous kind of manual labour. Mr. Hennessey read the following letter ffom one of them—the writer was an officer in the United States army. He says:—

"I inquired of the governor of the prison, if my letter had been forwarded to you: he told me it was, that there was a letter for me from you, which he had suppressed by instructions from head

quarters—that, though 'there was nothing improper in the letter, yet it contained political news and was altogether such a one as could not be given to a Fenian prisoner.' Hard as my lot has been up to this it will be still harder in the winter. The naturally sound constitution I inherit has begun to yield, and I feel that it cannot continue to endure the strain there is upon it. The hard labour in the quarries (wielding sledge-hammers, picks, and crowbars, splitting rocks, rolling large stones, and loading railway trucks with them) tests my physical powers in the severest manner. In the fond hope that this will find you in the enjoyment of good health, and that I may be permitted the happiness of receiving your next letter, I remain, ever yours truly, -

CHARLES UNDERWOOD O'CONNELL.

As to the famous case of the Neapolitan prisoners, Mr. Gladstone, in his letter to Lord Aberdeen, p. 16, says, "The political prisoners had the privilege, by payment, of a separate chamber off the former;" and again, "This was specified to me upon respectable though not certain authority," p. 18; and in another passage he says, "For one half-hour in the week they were allowed to see their friends outside the prison. This was their sole view of the natural beauties with which they were surrounded; at other times they were exclusively within the walls," p. 29. In a narrative of ten years' imprisonment in the dungeons of Naples, by Antonio Nicolo, political exile, the author says (p. 93), "Acuti's measures were well calculated to brutalise us, and reduce us to the utmost degradation, both physical and mental. We, however, did our best to neutralise their effects, at least upon our moral and intellectual qualities. Two of my companions proposed to establish a literary society, which was joined by about twenty of us. We met every Sunday evening, and each member read a composition, either in prose or poetry, which he had written during the week. All the political prisoners, whatever their intellectual or literary attainments, whether learned or perfectly ignorant, attended these literary and amusing meetings, and the pleasure we derived from them is indescribable. The favourite theme was burlesque poetry against Ferdinand." In considering the policy of treating political like common prisoners we must bear in mind not only that the general instinct of the civilised world is against it, but we should remember also that history furnishes us with innumerable proofs of its inevitable failure. No government has ever succeeded in extinguishing disaffection by treating political offenders with severity. The cruelties under which political prisoners in Naples suffered did not render the people more loyal, or secure the stability of the Neapolitan throne. Unhappily we need not go abroad for a conclusive demonstration of the inexpediency and danger of the course adopted by the late government. In sentencing the prisoners the judges again and again stated that the disaffection in Ireland was only to be found among the small shopkeepers and the artisans, and that it had not at all touched the farming classes. Six months passed during which the Irish papers teemed with accounts of the penal servi-

tude inflicted on the political prisoners. In the month of August Lord Kimberley made a statement in the House of Lords, the saddest perhaps ever made by a Chief Governor of Ireland, on retiring from office. He said that the disaffection had spread widely in spite of his firm policy and the repressive punishments he had employed, and that it had gone on increasing until at length it had penetrated the farming classes throughout the country. There are two objects in punishing prisoners—to influence others, and to reform the offenders. Lord Kimberley has acknowledged that as regards the primary and important object the system adopted has utterly failed. It is hardly necessary to say that, as regards the second object, it has likewise failed. Whilst it appears to be thus impolitic and dangerous in its consequences at home, it certainly does not improve our reputation abroad. I conclude by using the words of the *Lancet*:—"We are in great danger of being shamed before the world. Our Russells and Gladstones, amid the plaudits of the nation, have called foreign despotisms to account again and again for a treatment of political convicts, which, though very ugly in its details, was, looking to its results, essentially less terrible than that to which the Fenian prisoners are now subjected. They have maintained, or used such language that they seemed to maintain, that it was immoral and abominable that political prisoners should be treated as common convicts; and we all have cheered them on while doing so, thanking God that we were not as the inhuman Neapolitans and Austrians. If we were right in this, are we right in treating the Irish political convicts as common felons?"

CARLISLE MEMORIAL REFUGE.

Miss M. C. Bennett's Paper (which appeared in full in the *Reformatory and Refuge Journal, October*, 1866) gave a detailed account of the practical working of this Refuge for female convicts. "It is not our method," she said, "beca usethe women have arrived at the last six months of their penal sentence, to make their work easy, or to give an increase of food. Our diet is sufficient, but not indulgent; our labour consists of laundry, needle, and house work, and the occupations are changed for most of the women fortnightly, to give all a fair chance during their six months' sojourn at the Refuge of preparing for service and other employments. . . . We aim high in our motives for action, and by continually bringing before the women that we are co-operating one with another, to set upon a firm footing this our new Refuge, which is intended to be a blessing not only to themselves but to their fellow-prisoners who follow them, as well as to their country, we entirely do away with any necessity for marks, or punishment, or other stimulus to work. Though many say they have never worked so hard in their lives, yet in most instances is labour so cheerfully done that we are

oftentimes obliged to insist upon its being put aside. We certainly have our regular hours for work, but many desire to continue it during their recreation time. An occasional drone appears in the busy hive; but upon the whole they are far from idle, and now and then a word of commendation, or an explanation of how much they have earned for the Refuge, puts fresh fire into their efforts; and an hour in the evening devoted to music and singing, or some innocent amusement in which it is a pleasure to join them, gives great encouragement after the day's toil. . . . During the cholera distress they gladly acted upon the suggestion that, by devoting a portion of their recreation time to knitting socks and making flannel garments, they might do some little towards alleviating the sufferings of their fellow creatures. Ninety-four pairs of socks and other articles were soon produced, as their offering of sympathy and help. . . . The conduct of the women has been most satisfactory. Little irregularities and sharpness of temper are occasionally to be heard and seen; but only in one instance have we been obliged to resort to the punishment of sending back to prison, and in that case the woman had been but a few weeks with us, when she took the opportunity of revenging an old Brixton quarrel. With regard to our numbers, up to the end of August there had been 120 admitted; of these, seventy had been discharged, thirty being sent to service as cooks, housemaids, nurses, general servants, and laundry maids; thirty-eight returned to their friends; one sent to an infirmary; and one remitted to Millbank for misconduct. Out of the seventy—seven have returned to their evil courses, and are re-convicted. These were all women who had been convicted many times, and most of them had been in our Refuge but two, three, or four months. There are others who give us much anxiety, but there are many affording us much encouragement, and causing our brightest hopes to be realized."

MISCELLANEOUS.

Miss Christian Nicoll read a paper "On the Employment of Reformatory Inmates," showing from her experience, as Superintendent of the Girls' Reformatory, at Hampstead, that industrial occupation may be carried on to the extent of producing considerable profit, without exacting from the girls a greater amount of work than is in itself desirable for their industrial training and general reformation. This industrial training, in addition to giving the pupils the means of gaining their living when they leave the school, is found to be an excellent adjunct to religious, moral, and mental

instruction. In the Hampstead Reformatory, where above half the inmates are upwards of 17 years of age, hard work does not at all detract either from their appearance or health, and with an average number of 95 girls, nearly £600 profit was realised last year by laundry work alone.

The Rev. Ishmael Fish, in "Notes on the Reformatory and Industrial Schools Acts, 1866," pointed out the new provisions of these Acts as now consolidated and amended. The rules of a reformatory are now required to be approved by the Secretary of State for the Home Department; reformatory officers are constituent constables; no child under ten is to be sent to a reformatory, unless it has been previously charged with some crime,—the intention being that such young children should on first conviction for any offence be sent to an industrial school, and thus avoid the preliminary imprisonment required on committal to a reformatory; the power of licensing for three months instead of one is given, as also the power of renewal; the power of apprenticing (and that, too, without the consent of the family, is also given); the mode of procedure against parents for compelling payment towards maintenance is improved, and is put entirely into the hands of the inspector; facilities are given by which prison authorities can make grants to reformatories—not only for maintenance, but also towards erection or enlargement of buildings, purchase of land, and management. The principal point in the Industrial Schools Act, beyond its general assimilation to the Reformatory Act, and its being made permanent, is in the fuller description of the class of children to be sent to such schools.

The Rev. A. K. McCallum contributed a paper "On Preliminary Imprisonment as a Qualification for Admission into Reformatories," urging that this imprisonment is a cruel injustice. To affix the prison brand on a child who has been the unconscious victim of parental depravity, or the tool of an experienced criminal, is to do him an irreparable wrong. The prison to such young persons, however separated criminals may be kept, brings them into contact with hardened felons, and takes away the salutary dread they once had of a gaol. To young persons the Reformatory where they are to work hard, and be detained from liberty, is sufficiently penal. Discretionary power should be vested in the magistrates to consider every case on its own merits, and to award the preliminary imprisonment, only in those cases where previous crime seems to render it essential. In the case of neglected children who have thus become criminal, their parents should be sharply dealt with, and compelled to aid to the utmost towards their support.

Mr. William Tallack, in a paper on "British Columbia as a Suitable Location for Disciplined Convicts," stated that, owing to the severity of the climate in winter, and the imperfect development of agriculture, the population of British Columbia has been decreasing, notwithstanding the advantages of the gold fields. The great want

of roads, hedges, and other means of communication, point to the desirableness of employing convict labour there, as was done with so much success in Tasmania. While the promiscuous deportation of convicts had been rightly condemned, the plans adopted in Western Australia had been most successful, and, to a young colony, the transportation of convicts carefully selected—such, for instance, as the men in the intermediate stage of the Irish system—would be of immense value.

Mr. C. H. Bracebridge read a paper "On the Mode of Inflicting the Punishment of Death," in which he argued that, as under the new Bill for capital punishment the spectacle of an execution in public was to be discontinued, and nothing in the way of aggravated pain was intended, the method of inflicting death for many years used in Spain—the garotte—was preferable to that used in England, for the following reasons:—

1. It was equable in pain to all, and therefore more just.
2. The preparations were more easy and less exciting; therefore it was more humane.
3. It was less painful to the feelings of all officials, therefore more convenient to the general service.
4. It was less expensive, and far less disturbing to the whole staff and economy of a gaol.
5. It was scarcely possible for accident to disturb the proceedings and their result.
6. In the case of women it was far more decent, and respected their more nervous temperament, which in most cases makes the punishment of hanging more severe to women than to men.

EDUCATION.

Report of the Standing Committee of the Department.

RESULTS OF THE REVISED CODE.

THE amount spent in annual grants (exclusive of building grants) to elementary schools in England and Wales was from £60,000 to £70,000* less in 1865 than in 1861, though the number of children inspected was greater by 217,365, being 1,246,055 against 1,028,690. As the contributions of subscribers, though they have increased more than in proportion to the increase of scholars, do not by any means make good the loss, either education must have been cheapened, or else the working classes must have taken more of the burden upon themselves. There can be little doubt that a deficit has been avoided by a combination of both causes. The economy, not to say parsimony, necessitated in many schools has, no doubt, slightly lessened the average cost of education, while the new method of examination has effectually guarded against any consequent deterioration in the teaching. The continued solvency of most schools, however, is rather due to the higher rate of fees exacted from the parents. This appears already from a comparison of certain figures taken from the reports for the years (ending August 31st) 1865 and 1861 respectively; though, probably, as the financial stress occasioned by the new system was not fully felt till within the last twelvemonth, the next returns will show the growth of the burden laid on the parents still more decisively. Excluding in each year those schools from which trustworthy returns had not been rendered, we find as follows :—

	Voluntary Contributions.	Fees.	Average Attendance.
1861	£248,189*	£268,602†	716,911*
1865	310,670	349,741	860,963
Increase	£62,481	£81,139	144,052

* Owing to frequent changes in their form, and to a want of adequate care in their preparation, the financial statements and tables issued by the Committee of Council on Education are by no means an easy study. The student must often be content with an approximation—in the present case with a rough approximation.

† An approximation only, though a close one.

That is to say, while within these four years the number of scholars had increased 20 per cent., and the voluntary contributions 25 per cent., the children's payments had grown no less than 30 per cent.

But for one very serious consequence this result would be a subject for unmixed congratulation. There is too much reason to believe that the necessity for wringing higher fees from the children is sifting out the poorest. In other words, the revised code is checking the spread of education among the lowest and most helpless classes, even if it is not losing ground that had previously been gained. "In several cases," says Mr. Kennedy, "the fees have been raised either by the managers themselves, or by the teacher who forms the school. This practice I consider to be greatly deprecated, as making the schools over to a class of children for whom they were not intended."

The tendency to contract the facilities for education previously offered to the poorest classes is the worst result of the revised code. A less, but still very serious evil is the great reduction in the number of pupil teachers, which threatens both a deterioration and a scarcity in a future supply of trained masters and mistresses. In three years there has been a decrease of 28·7 per cent. The numbers were 15,752 in 1863, and had fallen to 11,221 in 1865. It may be that there was at the former date an over-abundant supply; but still the Committee of Council themselves confess that they "think this diminution greater than is desirable."

Against these drawbacks, however, on the value of the new code a considerable set off can be made. The progress of education seems to have recovered from the check given to it by the recent changes, and the Committee of Council are enabled to report that—"During the year (ending 31st August) 1865, as compared with 1864, the number of schools, or of departments of schools under separate teachers, which were actually inspected, was increased by 1,132, and the number of children by 112,764. The number of certificated teachers was increased by 1,073. The number of new school-houses built was 65, comprising (besides class-rooms) 106 principal school-rooms, and 46 dwellings for teachers; 46 other schools were enlarged, improved, or furnished afresh; accommodation was created for 15,302 children, exclusive of the schools improved or newly furnished, but not enlarged." Unquestionably, therefore, there is still in progress "a lateral though not a vertical extension" of education. There can be little doubt, moreover, that the education given in the elements, is on the whole more thorough now than before, and that in return for the annual grant the country is getting its money's worth more completely than at any previous period. Nevertheless, the conviction is deepening that the remodelled system will never, as it stands, meet the requirements of the country. The new code sits uneasily on all concerned. There is a strain on the poorer parents, who are pinched to pay the higher scale of fees; on the managers, who dislike and evade their liabilities; on the teachers, who have suffered an increase of anxieties and a decrease of income. "If I were to say," writes Mr. Kennedy, "that the teachers of schools were carrying on their work with the

same zeal and heartiness now as they did a few years ago. I should say what is not true. They themselves are fully conscious that they do not work so much con amore as was the case a little time back; and among other facts which prove this, is the number of teachers who leave our National Church schools for the purpose of setting up private schools, or for some other employment."

The Committee of Council close their last report by a quotation from Mr. Moncreiff:—"I have a strong feeling that the present duty of every true educationist is, not indeed to change or even to modify his views, but honestly to work the system as it stands till sufficient experience has been gained to guide to future legislation. Nothing has stood, nothing now stands, more in the way of progress than the want of confidence engendered by frequent changes." There is no denying the truth of this: and yet within two months of the issue of this report Sir John Pakington's Committee circulate their chairman's draft report (not adopted, it is true, but to a great extent borne out by the printed evidence), in which most radical changes are recommended. The Committee themselves shrank from approving of his, or making any other proposal—not indeed from any belief that none were needed, but because "it was obviously undesirable to disturb and unsettle the minds of those who were actively engaged in the promotion of the existing system, unless there was a clear prospect of arriving at conclusions, which it might reasonably be expected that the legislature would adopt." It is to be hoped, however, that they will be, as they suggest, re-appointed next year to prepare a report.

THE CHILDREN'S EMPLOYMENT COMMISSION.

The inquiries of the Children's Employment Commission, in reference to trades and manufactures not already regulated by law, have been brought to a conclusion. The Bill which was in course of preparation, to give effect to the recommendations of the Commission, will doubtless be proceeded with by the present government. The first report of the commission resulted in the Factory Acts Extension Act, 1864, which placed the potteries and five other branches of manufacture under regulation, and added about 50,000 persons to the (in round numbers) 800,000 under protective legislation. To these numbers the Commissioners, in their four last reports, propose to add no less than 1,400,000 children, young persons, and women. About one-half of these are so employed as to cause them to fall readily under the general system of the Factory Acts. The rest, if nothing further could be done for them, would at all events, the Commissioners think, be greatly benefitted by a more limited Act, defining the hours of labour. One important recommendation of this commission was embodied in the amended Public Health Act of last session: namely, that all factories, workshops, or work places, not already under the Factory Acts, or the Bakehouses Regulation Act, are now placed under the sanitary inspection of the local authorities; so that henceforward there will be no excuse for any factory, or other place of manufacture, not being kept in a cleanly state, or not being ventilated

in such a manner, "as to render harmless, so far as is practicable, any gases, vapours, dust, or other impurities generated in the course of the work carried on therein, that are a nuisance, or injurious or dangerous to health;" and if such places of work should be "so overcrowded, while work is carried on, as to be dangerous or prejudicial to the health of those employed therein," they are declared to be a nuisance," and may be dealt with accordingly.

When the legislation resulting from this commission is completed, it is not too much to anticipate that it will have a vast effect upon the health, intelligence, and happiness of the whole manufacturing population. The Commissioners have drawn attention in their last report to the necessity of still further amending the Act relating to the employment of climbing boys; and they also shew that the frightful amount of serious accidents in the flax-scutching mills in Ireland calls loudly for legislative interference. Their inquiry into the employment of women and children in "gangs," in some agricultural districts, is still progressing.

THE SCHOOLS INQUIRY COMMISSION.

The Commission appointed by Her Majesty, in December 1864, to inquire into the state of education in England, in schools not within the scope of the two recent commissions on popular education and on nine specified public schools respectively, has been occupied in taking further evidence. The legal administration and reform of charitable trusts, so far as regards education, have specially engaged their attention. Lord Westbury, Lord Romilly, Vice-Chancellor Wood, the late Attorney-General, Mr. Hill, one of the Charity Commissioners, and Mr. Hare, Inspector of Charities, have all given valuable evidence on this branch of the subject. Several ladies have favoured the Commissioners by attending before them as witnesses in relation to the education of girls; and H. R. H. the Duke of Cambridge gave evidence on Christ's Hospital, of which he is president.

Meanwhile assistant-commissioners continued the diligent inspection of the districts originally assigned them; and on the completion of their work the Commissioners instituted an examination of all the endowed schools, founded as grammar schools, or reported to be such, which were not included in the districts previously inspected. The reports of all the assistant-commissioners are already, or shortly will be, in the hands of the Commissioners, who are now engaged in preparing a report out of the mass of materials that has been collected. It is believed that this report will be found to contain more interesting and authentic information relating to the endowed grammar schools (about 800 in number), than has hitherto been in the possession of the public, or even in existence at all.

ADMISSION OF GIRLS TO THE UNIVERSITY LOCAL EXAMINATIONS.

The extension of the Cambridge local examinations to girls has worked well, as is shown by the following remarks, extracted from the report of the Syndicate appointed to conduct these examinations:—

"The local examinations of girls were held at six places: Brighton, Bristol, Cambridge, Manchester, London, and Sheffield. The total number of students present was 126—76 seniors and 50 juniors. 130 had entered, of whom four were prevented from attending by illness or other causes.

"Although no general examination of girls has been held before, and therefore no complete comparison can be made between the results of this and former years, yet the trial examination, held in London in 1863, affords some material for comparing the work done in a few of the subjects. It is satisfactory, in particular, to remark that the arithmetic, in that year so disastrous, especially to the seniors, of whom more than 90 per cent. were rejected in this subject alone, has this year been very successful. Indeed, of the whole number of candidates no more than three failed in it.

"As this is the first attempt at extending the scheme to girls, it is right to say something of the reports of the local examiners at the different centres. One writes:—"I conducted the girls' examination in London; everything went on quite as regularly and quietly as at any examination at which I have been present. The girls seemed to take a great interest in it, and worked at their papers in a very business-like way, and for the whole time allotted to them. I was quite struck with the easy way in which they bore the stress of the examination. I could not detect any flagging of interest, or any sign of weariness, or any ill effect upon them whatever." All the other examiners speak or write in similar terms.

Whether owing to the admission of girls, or to some other cause unknown, the year 1865 was marked by an unprecedented increase in the number of male candidates. In 1864, the number of boys entered for examination was 974, in 1865 it was 1347, being an increase of 373.

A similar extension of the Durham local examination has been authorized by the university, and comes into operation this year.

THE PUBLIC SCHOOLS.

At the end of May last Lord Clarendon brought into the House of Lords the Public Schools Bill of the previous year, as amended by the select committee to which it had been referred. The gist of the amended Bill was to give the governing bodies of the various schools power to alter and revise their statutes, subject to the restriction that the new statutes should be approved by a special commission appointed for the purpose, and sanctioned by the Queen in Council. If, however, the governing bodies made no use, or an inadequate use, of their powers, they were, unless the Crown granted further grace, to lapse into the hands of the special commission on the 1st of January, 1868. The Bill passed the House of Lords, but was never introduced into the House of Commons, owing to the stress of politics. Its revival from its present condition of suspended animation may be confidently looked for next year.

EDUCATION OF THE MANUAL-LABOUR CLASS.

By what means can the impediments to the Education of Children of the Manual-Labour class, arising from the apathy or poverty of Parents, and the Claims of the Market for Labour, be most effectually removed?" By J. A. Bremner, *on behalf of the Manchester Educational Aid Society.*

THE intention of the following paper is briefly to describe what were the circumstances which led to the formation of the society known by the name of the "Educational Aid Society,"—the principles upon which it was to be conducted,—the organization by which they have been carried into action,—the results which have been actually obtained,—and the conclusions which have been arrived at by those who have superintended its operations; in the hope that the experience of the society may do something towards a satisfactory answer to the question put by the Congress on the subject of primary education.

In dealing with the two heads of this subject, viz., a want of education, and the impediments to a remedy, it is proposed to confine our attention for the most part to Manchester and Salford—first, because, from the Congress assembling here, special reference to these districts seems appropriate; and secondly, because, by means of the Educational Aid Society, very valuable statistics are placed within our reach, thereby throwing considerable light on the education and social condition of the population around us.

If these districts be taken as an average of other centres of population, it will be evident that education among the lower sections of the people throughout the kingdom is not on the increase. A comparison of the statistics of the years 1834 and 1861 shows that whereas thirty years since there was one day scholar for every 10·33 of population, in 1861 there was only one for every 11·00 of the population,—or, in other words, in 1834 there were 967 day scholars for every 10,000 inhabitants; while in 1861, there were only 908 for the same number of inhabitants.

According to the census of 1861, it was estimated that the number of children of school age—*i.e.*, between three and twelve, or five and fourteen years—in the boroughs of Manchester and Salford, was 94,456. In 1862, the Manchester Statistical Society estimated the number of children at schools in the two boroughs to be only 41,848, leaving 52,698 as the number of children not attending school. Taking these two facts together,—that the numbers of children not attending school are on the increase, and that these numbers four years since had reached a maximum of 52,698,—a more weighty and alarming statement could scarcely be made.

A few months since the visitor of the Educational Aid Society called

at all the day-schools in Manchester and Salford, in order to ascertain the number of scholars and the average school attendance. Most of the schools were indicated by the municipal authorities, and in all cases the visitor was well received, except at two small private schools. The statistics were furnished by the schoolmasters themselves. In all, 399 schools were visited, contained within 53 parishes. The results were as follows:—

	1864.	1865.
Number of scholars on books	50,098	55,000
Average attendance	35,200	38,038
Per centage of attendance	70·0	69·0

The slight falling-off in attendance is unimportant. The increase of nearly 5,000 in the numbers on the books in one year is worthy of remark, as much of this is doubtless due to the work of the Educational Aid Society. At the end of 1865 the numbers actually attending school through the agency of the society were 7,200. But the actual gross increase from 1864 to 1865 was only 5,000; so that, apart from the efforts of the Educational Aid Society, the decrease of scholars would probably have been very serious.

Making allowance for the increase of population since 1861, the number of children of school age in 1866 may be estimated at 104,000. Deduct from this 55,000, the number of children on the books of all the schools (according to the Report of the Educational Aid Society's School Visitation), and there remain 49,000 as the number not attending school.

The part taken by the government in promoting popular education has done much good in one direction, viz., in raising the standard of knowledge imparted at public schools, and in providing well-trained and certificated teachers. But the lowest classes remain untouched and unbenefited by the government grants, inasmuch as these grants act chiefly as a bounty upon children who are already at school, but do not in any case provide fees for those who are unable to pay for themselves. Thus, the government grants are almost wholly absorbed by the upper grades of the industrious orders, the children of the lower sections being excluded. This statement is confirmed by the following extract from the minutes of "The Proceedings of the Select Committee on Education," recently published by order of the House of Commons.

Minute No. 16 states—2. "That the present system is partial, incomplete, and too highly centralized." 2. "That the Educational Department, as at present constituted, is not well adapted for the administration of a system so reformed as to reach every part of the country." Further on, Mr. Bruce's language is not less decided. He says—"The system is an imperfect system beyond all doubt; and that under this system the grants given are in some cases insufficient and in others not wanted." And under the head of "Neglected Districts," or parishes not benefited by Government grants, it is stated "There were more than 11,000 parishes which derived no assistance

from what is called our Educational System, and the population of these parishes may fairly be estimated at not less than 6,000,000."

Factory schools, also, have been less efficient than is generally supposed. From Mr. Horner's testimony, the provisions of the Factory Act are easily evaded. He says that "a large proportion of the children employed in factories who obtain certificates of attendance at school have received no instruction at all."

Under these circumstances the following statistics of a sewing school, supported by the Provident Society in Manchester during the late cotton crisis, will create little surprise. The number of young women from 16 to 23 years of age that passed through this sewing school was 963. Only 199 could read and write. There can be no doubt the great proportion of these young women had been scholars in factory schools.

Ragged schools have in their sphere done good, but their power is necessarily circumscribed. We are forced to the conclusion that all existing educational appliances are inadequate.

Deeply impressed by this consideration, the late Mr. Edward Brotherton quietly and unostentatiously devoted himself to the work of visiting the abodes of ignorance and wretchedness; and having collected a large amount of information he made it known to others. His singleness of purpose, his self-denying labours, his persuasive and irresistible reasoning, and his sound practical wisdom, so impressed those to whom he applied that they met each other again and again to consider what could be done, and the result was the formation of the Education Aid Society in the early part of the year 1864.

It was shewn that—(1) The Government grants fail to send to school all children whose parents are unable to pay school-fees, and (2) in consequence of this many schools under Government inspection are only partially filled. (3) Such a society could be useful, therefore, in aiding deserving parents to pay school-fees, and thus extending education even without building new schools. (4) This could be done without touching on the religious difficulty, by giving the parent or guardian in every case the choice of school.

By this practical plan of "Education Aid," existing machinery could at once be set to work to provide instruction for the children of parents who, being unable to pay, are yet willing to send their children to school.

The object in view being large and catholic, men of different religious and political creeds came spontaneously together to form the society. There was danger of disunion in bringing together individuals so differently constituted; but the case being urgent, it was felt that this was no time to discuss theories, they were met to act and to work. Thus, by a system of mutual forbearance, real progress was made, and the society was launched. It is strong evidence of the spirit animating the committee that the members have laboured together for nearly three years without once dividing as a committee on any one point. The society also having gained the confidence of the public, and having been accepted by the conductors of the various

2. A class equally respectable in character and aims in life, but struggling against narrow aud uncertain means, arising from irregular employment, and perhaps burdened with large families. These persons gladly accept aid, and send their children to school, willingly paying a portion of the fees.

3. That portion of the manual-labour class who are in receipt of ample wages, and yet refuse to pay for their children's education. These our society, by its constitution, cannot aid; consequently the children of such parents go to swell the increasing mass of ignorance.

4. The lowest depth, composed of the beggar or criminal class, whose offspring are brought up to beg or to steal, and to lead an utterly immoral life. The parents of this class are naturally opposed to their children's education. This class our society is unable to draw off, to any sensible extent, from the contaminations of their homes.

As a remedy for the falling-off in the applications for school grants the society organized a systematic canvass or visitation of the poor districts of the two boroughs. In order to obtain impartial or average results, Manchester and Salford were divided into 144 equal portions on the map—sections being visited widely apart. The statistics thus gathered are valuable, not only as throwing light on the actual educational position, but also as revealing the moral and sanitary condition of the poorer classes. The facts which these labours disclose are indeed calculated to arouse the whole country to a feeling of deep anxiety. Not only is there a pitiable lack of education among the manual-labour class, but the habits of the people in the lowest districts are found to be antagonistic to the order and civilization by which they are surrounded.

During this canvass, up to the close of 1865, 7,650 families with children were visited. These families consisted of 37,965 persons. The number of children of all ages living with parents or guardians was 23,998. Of these there were—

7,804	.....above 12 years of age.	
11,086	..... between 3 and 12	"
5,098	.....under 3	"

Of the 7,804 above 12, only 112 were at school; 6,424 at work; 1,268 neither at school nor at work. Of the 11,086 between three and twelve years, there were 762 at work, 4,537 at school. and 5,787 neither at school nor work. Of children of all ages above three years living with parents or guardians, there were only 4,649 at school, and 7,055 neither at school nor at work. Thus in every 100 children living with parents or guardians and not at work, there are 40 at school and 60 not at school. This is convincing proof that the alarm felt concerning the want of education among the manual-labour class is but too well grounded, and that former estimates are even below the truth.

The bulk of the families visited in this manner belong to the manual-labour class. The average of their earnings does not exceed 2*s.* per head per week exclusive of rent, there being many cases where the income is only 1*s.* 6*d.*, or even 1*s.*, per head. But the lowest of these cases are evidently of a grade above the beggar class, all having some definite, and in its way honest and reputable, mode of earning a livelihood; and some are struggling against adverse circumstances in order to maintain their little positions. But the division between this struggling class and the lowest stratum is very narrow. The danger is, with such well intentioned but suffering families, that they may almost insensibly slide down into the vagabond class. The great reservoirs of crime and wretchedness are thus ever being fed by small tributaries flowing from a higher stratum. In the worst districts there are few schools, and parents and children alike turn a deaf ear to our visitor.

The apathy of parents to the education of their children stands out in bold outline in the results of this canvass. In many districts the number of children not sent to school, because their parents, though well able, are not willing to pay school-fees, approaches nearly to the number of those not sent through sheer poverty; indeed, in one unusually prosperous district, where 142 children were not at school, 111 of them were children of parents able to pay fees.

But while so much of the non-attendance at school is due to the apathy of parents, there is a class of the deserving poor, and that not a small one, whose precarious means of living produces a similar effect. It would not be just to charge such parents with indifference to their children's education. There life is a struggle against adverse circumstances; and so long as education is not free, the fear of being unable to provide a portion of the school-fees deters parents so unfortunately situated from sending their children to school, or even accepting educational aid.

The result of this canvass up to the period referred to stands thus:—Number of children not at school through parents' unwillingness to pay school fees, 3,333. Number of children not at school through poverty, 4,271. The latter are aided by the society, but the former are left uneducated, because it would be most demoralizing to pay fees for parents who are able to pay for themselves.

The custom of the society's visitor is to make a monthly return of houses called at, appending any information he may think of importance. A reference to a few of such monthly returns will further show the insuperable difficulties in the way of voluntary effort among a certain class.

No. 1 Report states (June, 1866)—

"In a partial visitation of seven districts 863 children, between three and twelve years, are found neither at work nor at school; 433 of this number are able to pay school fees. The parents of 13 children unable to pay fees refused grants on account of their extreme poverty, not having clothes decent enough for the children. The parents of the 433 children who, though able, will not pay school fees for their

children, are utterly careless as to the education of their families—more so, indeed, than parents who are too poor to pay fees."

No. 2 Report states (May, 1866)—

"In a partial visitation of eleven districts in Manchester and Salford, 465 children over three and under twelve years are found unable to pay school fees, and 528 of same age not at school though the parents are able to pay. Again, the parents of 20 of the children unable to pay fees refused the aid of the society, alleging their extreme poverty, which prevented their providing decent clothing. The parents of the 528 children not at school, yet able to pay, are shamefully neglectful of their children. Many of these parents have assured the visitor that their children were at school, but on inquiry at the school the children were not known. Parents of this class make the most frivolous excuses for their children's non-attendance at school. The visitor is told to mind his own business, or the parents have forgotten, or the school is too far off. This apathy extends to parents who are too poor to pay school fees. Such will accept grants from the Society, yet never care to see that their children use them. In some cases, however, this is explained where the struggle is severe to provide the necessary half of the school fees, as the Society usually only pays one half."

No. 3 Report. Re-visitation of a day-school in Manchester, September, 1866—

"318 children belonging to the above school, who have received grants from the Society, have been revisited at their own homes with the following results :—

Orders expired	40
Removed	121
Gone to work	30
Sick	18
Absent from want of clogs and other clothing	12
Neglect of parents	70
Dead	3
Kept at home to nurse and mind the house	16
Going to other schools	8
Total	318"

Visitor's remarks—

"The 70 neglected children belong to a very low class of people, and their houses, their children, and themselves are never tidy. They don't seem to care for anything but sitting by the fire from one meal-time to another. If their children go to school, it is right; or if they stay away, it is right. The mothers do not seem to have the least control over their children. I can see only one way of getting this class of children to school, and that is to compel them."

This lamentable indifference on the part of parents to their children's early training is accounted for by the utter absence of education

among the parents themselves, especially among the mothers, whose influence at home is so paramount. The proportion of parents wholly without education is indeed a serious feature. In a canvass of 1,050 families, containing 988 fathers and 911 mothers, 183 of the fathers and 394 of the mothers could not read. It will be observed that the number of wholly illiterate mothers is more than double the number of fathers in the same condition, and approaches to one-half of the whole 911 mothers.

It has been truly said that the education of the mother is of even greater value to a family than that of the father. A writer on this subject says—"It cannot be without significance that our criminal women are all uneducated, untrained women;" adding that "in all our prisons a sufficient number of educated women could not be found to challenge the assertion."

We have thus endeavoured to show the alarming extent and fatal nature of the evils arising from a want of education. By a reference to the experience and statistics of the Educational Aid Society, the nature of the impediments to the removal of this evil in large cities such as Manchester has also been described. The committee venture to think their experience has proved that no mere voluntary efforts can ever overcome the existing obstacles to the education of the people. These impediments consist of—

1. The apathy or indifference of parents able and yet refusing to pay school-fees.
2. This apathy extends in some degree to parents who accept educational aid, yet are too careless to see that their children attend school.
3. The utter want of education among many of the parents, causing them to undervalue the means of education for their children.
4. The extreme poverty of many parents, who are thus unable to provide decent clothing for their children.
5. The absence of any law requiring vicious or selfish parents to attend to the moral and educational wants of their children.
6. The aversion of very poorly-clad children to mix with those of a better class at school, and the disinclination of schoolmasters to receive such very poor children, as tending to lower the tone of the school.

These are the chief obstacles which render existing means inadequate to relieve the pressing want of education,—or in other words, which cause non-attendance and irregular attendance at school to be so prevalent among the manual-labour class.

It remains now to consider by what means hitherto untried can the impediments to education be most effectually removed?

In the first place, as before stated, one conclusion inevitably results from the Educational Aid Society's experience, viz., that nothing less than some system of compulsory school attendance can effectually grapple with the difficulty. Possibly the compulsion need only be of an indirect character. The system, however, should be so far compulsory

as to render it illegal for a child under thirteen years of age to receive wages unless attending school.

The application of the principle of the Factory Education Act to all employments would accomplish this. But to guard against evasion, an education test should be applied to the child in place of a mere certificate of attendance at school; and a test for efficiency should also be applied to the teacher.

It may be urged against this scheme that it tends to interfere with the market for labour. This, no doubt, is an important point, and should be well considered in developing any education scheme, because to disturb or cut off the supply of labour would be fraught with inconvenience, if not with danger. This inconvenience would be mitigated by making the education test of a simple and rudimentary character. In originally carrying out the Factory Education Act, as applied to cotton mills, the labour supply was not materially interfered with; whilst wherever the spirit of the Act has been complied with, satisfactory results have been obtained.

But if state compulsion be applied, education must be made free. To provide for this free education, the levying of a local rate is essential, and this rate must be compulsory. A voluntary rate could not fail to fall unjustly. The liberal man would pay, the illiberal would escape. In the matter of education itself, the voluntary system has not been successful. A non-compulsory rate by analogy could scarcely be expected to be otherwise. The time has scarcely arrived when it can be said that the great body of the educated classes are thoroughly in earnest on the subject of national education. The anxious feeling experienced by some is far from being general. In reference to this, the Rev. W. J. Kennedy, one of Her Majesty's Inspectors of Schools in this district, in a masterly paper read in 1857 before the late Prince Consort's Education Conference, thus expresses himself—"In 1853 the government brought forward a bill giving corporations the power to levy a rate for the support of all schools in their towns. Adequate annual support was then the first great want. Nevertheless not one corporate town petitioned in favour of the bill." Stronger evidence of a want of interest in the question among the public could scarcely be given. The same writer goes on to say, in reference to any educational scheme, that "it must *not* depend upon precarious voluntary annual subscriptions." The conclusion is obvious: a merely voluntary rate would be no guarantee for a fixed and certain income, without which the work could not be done.

In order to give this local rate fitting authority, the power of levying should be vested in the municipal council, the distribution of the funds being placed in the hands of an Education Committee. In order to overcome the religious difficulty, the principle of the Education Aid Society should be applied, giving the parent or guardian the choice of the school in every instance.

The local rate, with compulsory school attendance by means of the extension of the principle of the Factory Act, would operate in the following manner:—

1. The school income would be ample and certain.

2. Children under thirteen years of age would be ineligible to earn wages unless either attending school or able to pass the education test.

3. This would rouse parents to the necessity of sending their children to school—compelling those who are able to pay the education rate, and providing a free education for those who are too poor to pay.

4. The half-time system of the Factory Act, and the very simple character of the education test, would guard against any encroachment on the rights of employers of labour.

Surely in this way the masses of children who are at present neglected would be brought within educational influences.

Finally, we come to consider the case of children of the lowest class, whose rags and vagrancy unfit them for reception into ordinary schools. To rightly understand children of this description, it is necessary to subdivide them into three classes—1. Simply the neglected and destitute; 2. The vagrants; 3. The criminals.

Workhouse schools no doubt absorb some portion of the simply neglected and destitute class. This mode of dealing with the difficulty, however, has two serious drawbacks—1. The free instruction received at a workhouse school ceases with the relief to the parent, leaving the child to lapse into ignorance and wild habits; 2. Whatever care may be exercised, there is a fear of the child being contaminated by pauper influences.

Ragged schools are the most valuable institutions yet established for saving and educating destitute children; and we beg to urge their very strong claims on government, as almost the only schools which have at all reached the lowest stratum of society. This claim on government is all the greater, because the revised code has had the unhappy effect of practically excluding this class from government aid. In reference to this, the Rev. W. L. Clay, for some time a Diocesan Inspector of Schools, says—"I am entirely on the side of those who maintain that government ought to assist in the education of these little waifs and strays, and more particularly because the revised code has tended to increase their numbers." It is a mockery to expect schools of this class to comply with the standard applied to ordinary schools in the qualities of the teachers and the proficiency of the scholars. A very simple test, if any, should entitle ragged schools to support from government.

The multiplication of industrial schools is also necessary for the reception of young vagrants who may not yet have developed into criminals; and more reformatory schools are wanted, wherein to place our young thieves instead of keeping them in gaol. It is only by this means that children can be permanently removed from the dangerous contiguity of vicious parents, and the supply of youthful criminals be effectually cut off. We cannot, therefore, close our remarks on this important branch of the subject without repeating our strong conviction, that a more thorough developmentnt of the system of industrial and reformatory schools is loudly called for.

And though it be a mere truism to assert that the general tone of the people is lowered by suffering children to grow up in ignorance, and exposed to immoral influences—that thereby disease is engendered, and crime and misery perpetuated—surely when the remedy is so near at hand the educated classes are not without blame, unless every effort be made to remove an evil which, if unchecked, is calculated to undermine our social fabric, and indeed to call in question our character as a moral and Christian nation.

To briefly sum up. The text of this paper is—"By what means can the impediments to the education of the children of the manual-labour class be most effectually removed?" To this the Committee of the Educational Aid Society give the following reply:—

They have been in active operation for two years and a half;—their labours have been pursued with perfect harmony, and with painstaking and unflagging zeal;—they have issued 24,000 school orders, every one of which has been carefully considered;— funds have been liberally supplied, and there has been no want of school accommodation, although not a shilling has been spent on increased buildings or other school machinery; the religious difficulty has never presented the slightest obstacle to them; it has been entirely neutralized by requiring the parent in every case to choose the school; in short, the committee believe that the experiment of what the voluntary system can do in education has been tried in a way and to an extent that has not been attempted before; and they give it as their deliberate and unanimous conviction, that such is the apathy and indifference of a large proportion of the parents, that nothing but compulsion, in one form or other, will bring their children within the pale of education.

On the East Lancashire Union of Institutions having Evening Schools, in its bearing on the Question of the Education of the Manual Labour Class. By U. J. Kay Shuttleworth.

As a portion of the subject specially set apart for this day's discussion, the question, "How we can most effectually overcome the difficulties encountered in the endeavour to continue in evening schools the education of children of the labouring classes," appears to me to be one of the highest and most urgent importance. As a guide to the solution of this question, the experience East Lancashire has had of some ten years' working of its Union of Institutions may not be without value or interest.

With the history of such institutions I am aware that most of my hearers are familiar. I need only now remind them that they were first proposed by Dr. Birkbeck at the beginning of the present century, —that Mr. Leonard Horner founded the Edinburgh School of Arts in 1821—that the first so-called Mechanics' Institute was founded in Glasgow in 1823, and had its origin in Dr. Birkbeck's mechanics'

class, previously connected with Anderson's University—and that five months later, by the joint exertions of Messrs. Robertson, Hodgskin, and Birkbeck, the London Mechanics' Institute was established. Publicity was given to this institute by the able advocacy of the noble President of our Council, Lord Brougham, in the *Edinburgh Review* of October, 1824. In the years 1823 and 1824 many more mechanics' institutes were formed in Liverpool, Aberdeen, Dundee, Leeds, Lancaster, and other towns; and, in 1825, the Manchester, Birmingham, and many other institutions were established. The movement spread with rapidity, and took firm root in the country; so that in 1853 there were more than 700 literary, scientific, and mechanics' institutions, having more than 120,000 members, at least 18,000 persons in attendance on their evening classes, and libraries containing an aggregate of no less than 815,500 volumes. These institutions were all founded with the objects of attracting the industrial or mechanic classes, and of giving them elementary and scientific instruction. To a great extent, however, they failed of their intentions. They proved less attractive to the labouring population than to other classes, such as clerks and shopkeepers. For example, it was found that (between 1835 and 1841) of the members of the Manchester Mechanics' Institute little more than one-fourth were what are called working men. The libraries of the institutions were to an undue extent means of amusement rather than of instruction, and in the case of one of the very best institutes in the kingdom—that at Leeds—it was found that works of fiction and periodical literature formed much more than half of the circulation. In the lecture department, too, the lectures partook less and less every year of the character of instruction, and more and more of the nature of mere recreation; and for every paid lecture that was delivered, three or four unpaid lectures were given. In the classes, the most important part of the machinery, the attendance was generally small and often diminishing, and the instruction, instead of being collective, was frequently individual. There was also a marked neglect of instruction to women. Out of 14,962 members of 86 institutions in Yorkshire in 1852, only 1,520, or one-tenth of the whole, were women.

This state of things prevailed throughout the institutions in the whole kingdom, and was found to exist in those in East Lancashire at the time when the formation of the East Lancashire Union was first contemplated. This Union, which began its work just ten years ago, in October, 1856, was by no means the first attempt to unite the institutions in a district into a harmonious body with a central council, working with a common aim. Its promoters had not only the experience of the individual institutions, and their comparative failure to secure their original objects, to guide them—they had also the advantage of a knowledge of what the Yorkshire Union of Institutes (founded by Mr. Baines in 1837) and other unions had succeeded in doing, and also of the difficulties they had encountered. With this knowledge, and with a determination to

remedy the deficiencies of their own institutions in East Lancashire by combination and co-operation, the Council of the East Lancashire Union undertook their work. To quote the words of the first report of the union, published in the second year of its existence, "The East Lancashire Union originated in a general sympathy with the exertions" already being made "by men supported by manual labour, and those made by their employers and friends, to supply the want of early school training or to remedy its deficiencies. It was known that the attendance on the evening classes fluctuated, being in some years double or treble that of others. Some village institutions had a feeble life, with a meagre apparatus of instruction, few members, and intervals in which their proceedings were entirely suspended. To strengthen the managing committees by that encouragement which arises from co-operation, it was thought desirable that the institutions in East Lancashire should be organized into one union, in which each would be represented in a council. The fluctuations of attendance, and the want of perseverance in a course of self-culture, pursued from year to year, might, it was hoped, be diminished by a system of examinations and prizes, which would not only reward by an immediate distinction the exertions of the candidates, but encourage them by the hope that the employers of labour throughout the district would recognise the value of such pursuits, by selecting for employment and promotion not only the successful candidates for prizes, but the most zealous and persevering members of the evening classes."

This was the language held by the Council of the Union in their first report in 1858.

"The district to which the Union has confined its labours forms a tolerably exact circle, with a diameter of about ten miles, so that none of the institutions in the Union are more than about ten miles distant from each other. Hence, with the aid of the railways which connect the towns, the organizing masters can visit the evening schools to teach and lecture at small expense of time and money. And the council have expressed it as their opinion that, "even with these facilities of intercourse, the Union could not be extended beyond this circle without losing that compact and corporate character which seems essential for its success. Some of the members of the several committees are known to each other. The state of each town and hamlet is understood. The occupations of the members of the evening classes and of their directors in each institution resemble those of others. There is that bond of neighbourhood which produces a compact structure capable of harmonious action. This corporate life would become languid, or wanting in harmony, if the Union were more extensive." The experience of subsequent years confirms these opinions expressed by the council in their first report.

Having described the circumstances under which the Union was founded, and the district to which its exertions were to be confined, it devolves upon me to give you, as briefly as may be, an account of its modes of operation and some history of its work.

The East Lancashire Union consists of several distinct parts:—1. The individual institutions, with their classes, libraries, and lectures, their committees, and their teachers. 2. The central council of delegates from the committees of the institutions. 3. The itinerating or organizing masters, sent by the council to the several institutions to teach and to lecture, to superintend the formation of new classes and the improvement of old ones, and to collect the subscriptions to the Union. 4. The annual examination of candidates from the classes of the institutions, and the annual meeting for the distribution of prizes and certificates of merit and competency to the successful candidates.

I shall only touch on what we consider the two most vital points, viz., the work performed by the organizing masters, and the annual examination.

The most important of all the means adopted by the Union, with a view to the improvement of the evening classes and their re-organization, was the employment of highly-skilled certificated teachers in every evening school in the Union. It was obviously not possible to have such a master for each institution; but the council engaged two certificated teachers as itinerant or organizing masters to go to successive institutes, and there reconstruct the classes and personally conduct the instruction. These masters had been educated as pupil teachers, and had undergone two years' training at the Diocesan School at Chester, where they took high certificates. They there became masters in the training school, or assistant teachers to the principal and vice-principal, and they remained in that capacity three years. The council were able to place the greatest confidence in these organizing masters, and they performed their work with such admirable zeal and ability that, at the end of four years' working, the council were able, in their third report, to speak most emphatically of the value of their labours, and while recording their opinion that "four years' experience of the working of the East Lancashire Union confirms by its results the most sanguine expectations of its promoters," to assert that they were then "reaping a larger amount of advantage from their organization during the last three years than had been attained by other unions whose operations had not included a systematic organization" of a sufficient staff of paid local and itinerating teachers. During the period in which the Union enjoyed the greatest amount of support and attained the highest degree of activity and usefulness, the council were able to engage two organizing masters, and their services were in requisition on five evenings in the week for the superintendence of the classes of the several institutions in the Union, and on the sixth evening for the delivery of courses of simple and attractive scientific lectures. For example, one of the organizing masters would, throughout the winter, spend two nights a week in the instruction of the evening classes of one of the institutes at Burnley, whilst on three other nights in the week he would be engaged in a similar manner at Haslingden, Rawtenstall, and Bacup.

On four successive Saturday nights he would deliver a course of four lectures at one of these institutions, on such a subject as "The Atmosphere," "Water," or "The Steam Engine;" and at the end of four weeks, when the course was finished, he would devote four Saturday evenings to another institution, and deliver the same course there.

To acquaint you with the subordinate parts of the teaching staff, the candidate teacher and the local teacher, I will quote a passage from the third report of the East Lancashire Union:—

"The organization adopted in the East Lancashire Union, for the management of its evening schools, contains within it the germs of a growing power. Its humblest element is called a candidate teacher. He is selected from among the youths attending the classes who obtain a prize of 10*s.* or more in value (by success at the annual examination). He is commonly a youth 19 years old or upwards. He holds a relation to the class and to the organizing master similar to that of a pupil teacher in an elementary day school, except that he follows his usual occupation in the day. His private studies are directed by the organizing master, who examines his progress weekly, and after a more special examination, reports upon his conduct and attainments every quarter to the council of the Union.

"The next gradation of rank is that of local teacher. He is commonly now one of the most successful of the youths trained in the night school; but it is intended that the candidate teachers shall advance, according to merit and length of service, to this rank. The local teacher follows his ordinary occupation during the day time, and teaches at night under the guidance of the organizing master, who also regulates and aids his studies, and, after examining him, reports his conduct and progress quarterly to the council. He receives a salary of £10 annually, or at the rate of 2*s.* per night."

By these agencies the work of the classes is carried on in the Union. It remains for me to speak of the examination by which the results of the teaching are tested and the merit of deserving pupils rewarded.

Annually, in the month of June, an examination is held in Burnley, the central town of the Union, to which any person supported by manual labour within the district of the Union is admitted on the production of a certificate, signed by his or her employers, or by a minister of religion, testifying to the sober, honest, and industrious habits of the candidate, and certifying that he or she has not been instructed at any higher than an elementary day-school, Sunday-school, evening class, or mechanics' or other institution. None who are or have been pupil teachers can receive prizes from the Union.

A candidate has the option of being examined in one of three classes, and in the lowest class there are two sections, in either of which the candidate may compete.

The greatest stress is laid in the lowest section, and in every class

on the degree of success attained by the candidate in the performance of certain exercises in the English language.

In the third class these consist of writing from dictation or memory, reading, and parsing, and, in the first section, analysis. In the second class a poem, selected beforehand by the council, has to be repeated, and a passage from it analysed, parsed, and paraphrased. The English language exercise in the first class comprises an essay by the candidate on some question of domestic education or economy, and also the analysis and parsing of a passage from one of the English poets. Upon the manner in which these English exercises are done, it depends whether the candidate passes and obtains a certificate or prize, or whether he fails. But besides the English language exercises the candidate has to work papers on other subjects. These are in the third class, on arithmetic and geography; in the second class there is also a paper on mechanics, and in the first class the candidate is allowed to elect to be examined in any four out of eight stated subjects, namely, Algebra, Elementary Chemistry, Paley's Natural Theology, the Historical Facts of Genesis and the Acts, English History, Euclid, the Steam Engine, and Mechanics.

Whilst the degree of success in English regulates the granting of certificates, the number of marks obtained by the answers to the papers on these other subjects, determines whether a prize is given, and what is to be its amount. The prizes given are always books. The amount of money the candidate has earned by his success is published, and he is allowed to choose what book or books, costing this amount, he will receive as the prize. It is very gratifying to find that the books chosen are of a most admirable and practical description, and generally such as will aid the candidate in pursuing his studies, and enable him to compete in a higher class in a succeeding year. The lowest prizes given are books costing 2*s.* or 2*s.* 6*d.*, whilst the highest in the lowest section cost 15*s.*, and the highest in the first class £3.

This account of the examination and prize scheme, though I have only been speaking of the examination for young men, applies equally to women and girls, of whom a satisfactorily increasing number compete every year. The papers in each section are of a more rudimentary description than those prepared for the male candidates; but the women are expected to answer practical papers in such subjects as domestic management and cooking. It is also intended to insist—more than has hitherto been done—on the production by the women of samples of sewing for the inspection of lady examiners.

The number of candidates who presented themselves for examination was, in 1865, altogether 85, and in 1866, 87. In 1861 and 1862 there were as many as 175 and 170 candidates; but since that time, owing partly to the period of commercial embarrassment and distress from which we have lately emerged, and the consequent reductions in the teaching staff of the Union and the attendance on

the evening classes,—and partly no doubt also to the numerous other examinations held by the Science and Art Department, the Society of Arts, and other bodies,—the number has been for the time diminished. It is satisfactory to observe that in 1865 the percentage of candidates who passed the examination was 90·4, and in 1866, 98·8; so that only about one in a hundred has failed in obtaining a prize or certificate this year. But in 1864, when there were as many as 158 candidates, 53 (or more than 33 per cent.) failed. The decrease in the number of candidates since that year seems therefore to be in great measure attributable to the fact that the less competent scholars have ceased to present themselves for examination.

For the benefit of those institutions the classes of which disperse in the spring, and especially of the evening schools connected with day schools which are now supported by government grants, an examination similar to that I have been describing as held in June, is now carried on in April, in one or more of these schools. At that held last April, in Padiham, 36 candidates sat, and 31 obtained certificates or prizes. Since these classes do not persevere in their work during the end of spring and beginning of summer, the prizes given are somewhat lower in value than those gained by the candidates in June.

The increase in the number of evening schools connected with day schools in East Lancashire has recently been very remarkable. The council of the Union caused inquiries to be made last year with respect to thirty-two evening schools, and they found that there were nearly 2,000 scholars in average attendance on these schools, "which were open generally on three evenings in the week for at least six or seven months annually, and in some instances during nine months, or the whole year. On the registers there were 1,863 male and 962 female scholars. There were in charge of these evening classes, 29 principal certificated teachers, aided by 13 pupil teachers, 13 assistant day-school teachers, and several voluntary or special or occasional teachers. The matters taught were chiefly rudimentary, including reading, writing, arithmetic, and grammar or geography; but in five schools they also comprised higher subjects, and six were confined to reading, writing, and arithmetic." An effort is being made to extend, more completely than has yet been done, to these evening schools, the benefits of the prize scheme of the East Lancashire Union.

Whilst on the subject of examinations, I must touch briefly on the success the organizing masters have had in the teaching of science classes, and on the distinction their pupils have gained both in the examinations of the Science and Art Department, and in those of the Society of Arts and the Lancashire and Cheshire Union.

The assistance granted to science schools and classes by the Science and Art Department is given under three heads:—

1. Under the first head, "Payments on results to certificated teachers," the grants are entirely dependent on the success of the

[illegible] Under this head in 1865 and [illegible] principal institutions amounted [illegible]

[illegible] the numbers of science classes in the Union have [illegible] respectively, and fifteen such classes are at present open.

2. Under the second head, grants towards the purchase of apparatus, &c., the grants have been very small, and did not amount in the [illegible] than £[illegible] in the whole Union.

3. The [illegible] Queen's medals, prizes, and honorary certificates [illegible] the annual examination by the pupils was con[illegible] —[illegible] medals and sixty-three Queen's prizes [illegible] and in 1866, fifty-one Queen's prizes, [illegible] were awarded.

[illegible] the organization of the Union, [illegible] young men have been [illegible] teachers, and have been certificated by the Science and Art Department.

[illegible] examinations of the Lancashire and Cheshire Union last year [illegible] prizes, amounting to £[illegible] and thirty-five certificates, were awarded to pupils of the East Lancashire Union; and in 1866, [illegible] prizes of the [illegible] value of £[illegible] have been [illegible] certificates.

[illegible] examinations of the Society of Arts, prizes to the total amount of £[illegible] have been awarded to pupils of the East Lancashire Union classes in the last two years, and amongst these prizes was the annual twenty-five guineas prize of the late Prince Consort, gained [illegible] the Burnley Mechanics' Institution. The withdrawals from the Society of Arts amounted in 1865 to [illegible] sixty-three, and in 1866 to sixty-one in number.

All these results are recognized by the council of the East Lancashire Union as giving a powerful stimulus to the teachers and the classes. But while they hope that this encouragement to the classes of the Union may be continued in future years, they would be glad if the conditions on which the grants and prizes are given could be altered in some degree, and if the amount of the assistance given, especially the amount of the government aid, could be considerably increased.

It is a prominent and commendable feature of the examination of the East Lancashire Union that everything is dependent on the manner in which the English exercises are done, and that a candidate who does not show competency in English can receive no prize for other subjects. If this were made a condition of success in other examinations, such as those of the Society of Arts—and the council learn with pleasure that the Society of Arts contemplate such a change—such societies would do a great deal more towards the promotion of a sound and useful education than they can do so long as they only award prizes in return for a high standard of efficiency in solitary difficult subjects, without testing the proficiency of candidates in English. A fact showing the value of the English

exercises as part of the annual examination is, that out of the special prizes offered by the Lancashire and Cheshire Union for essays this year, only two were awarded, and both of these were taken by pupils of the East Lancashire Union.

In another vital point it appears to those who have had experience of the East Lancashire Union's working that some other associations and unions are deficient—they want agents, visitors, or itinerant teachers, performing the important functions with which the organizing masters have been charged in the East Lancashire Union.

If the experience of the East Lancashire Union is of any value, the employment of highly skilled organizing masters devoted to their work, and the stress that has been laid, in the teaching and in the examinations, on elementary English exercises, have been the chief causes of the degree of usefulness and success with which its labours have been attended.

Before proceeding to the next point I wish to bring before you, allow me, with reference to the future work of the East Lancashire and other unions and societies, to express my earnest hope that more than has yet been done may in future years be effected for the education of girls and women. Something, no doubt, has already been done to improve female education by the unions and institutions, but this bears no comparison to what ought to be, and I hope will be accomplished. The East Lancashire Union has consistently persevered in the endeavour to improve and increase the classes for females and to reward their labours by prizes, but still the number of women attending classes in the Union is less than one-fifth of the whole attendance. And in the evening schools in our district connected with day schools and aided by the government, the proportion of females in attendance is little more than a third of the whole. In other districts the education of women is a matter even less attended to and cared for. In 76 out of the 116 institutes in the Lancashire and Cheshire Union less than one-tenth of the members are females, whilst only 19 per cent. of the 93 Lancashire institutes in the Lancashire and Cheshire Union have evening classes for females. Not only in common fairness, but also as a matter of expediency for the future welfare and prosperity of the country, if the education and greater civilisation of our male population is desirable, is it not in the highest degree important to us and incumbent upon us to give to women at least equal opportunities of improving their knowledge and intelligence?

I will now enter for a few minutes on the subject of the assistance given by the government to the education of the manual-labour class, in order to show how in future years that elementary and scientific education which would be such a blessing to the people and the country may be given to our adult population.

I have already touched on the smallness in amount of the government assistance to adult education, but a misfortune quite as important as the small amount of the aid granted by government has been the mode in which this aid has been given. I think I shall be able

... has been a want of uniformity of prin...
... which the Committee of Council have
... to evening schools, and in the ...
... time thought proper to attach to the
... ring into marked contrast the
... government since evening schools
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... the one of no government assistance
... the year 1855.
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district, determined to place at the disposal of the council of the Union assistance in two forms:—

1. The extension of the aid already given to local teachers in evening schools connected with day schools, and to local teachers in other institutions in the Union. The grant amounted to £10 per annum for every local teacher who complied with certain conditions, and taught on sixty nights in the year at least, and was approved by the Council of the East Lancashire Union.

2. The Committee of Council further resolved to grant to the certificated organizing masters of the Union, the same augmentation of their salaries which they would have received had they pursued their profession as masters of day schools, instead of becoming the organizing masters or itinerating teachers of evening schools.

These two forms of aid were withdrawn from the Union in the third period of which I have spoken, in 1861 or 1862. The contribution of £10 per annum towards the stipends of the local teachers was lost without any compensation from any source extraneous to the funds of the local institutions. But the blow dealt by the withdrawal of the augmentation grant was not so severe, as this source of income to the organizing masters was, after an interval, replaced by emoluments since earned by them from the Science and Art Department in return for the successful management of science classes.

Thus the East Lancashire Union was seriously crippled in the most vital parts of its system—the organizing and local teachers. And this change in the administration of the Committee of Council belongs to the same period in which the Committee determined to abandon the important principle on which they had consistently acted since 1855,—the principle that to employ a schoolmaster day and night on both schools, and also in the instruction of the pupil teachers, would be injurious to himself and detrimental to one school or the other.

But these are not all the complaints which are made against the action of the government in the matter of adult education.

I began by speaking of a period when adult education was left entirely to voluntary effort. In this course the government were at least acting consistently and following the wishes of one section of the community. But since that time, not only has the action of the government at one time been inconsistent with that at a later period, but at no single time has the assistance held out by the government been either guided by any broad principles or consistent with the views of those who, however much they may differ among themselves, may fairly be called the friends of education. In every step that the Committee of Council have taken as to adult education they have seemed oblivious of the fact that, during the half-century which preceded their first determination to assist schools for adults, though the government did nothing, voluntary effort did a great deal. They began as if the duty they had before them was not to improve the usefulness of existing institutions and render much-needed assistance to voluntary effort, but rather to supersede entirely any existing

organization for adult education by systems evolved from the unassisted imagination of their advisers. The consequence has been that the schools founded under the government system have, till lately, been comparatively few, and have had for the most part to labour on without the advantage of that enthusiastic local interest and support which had been the prop of voluntary institutions. And, on the other hand, the pre-existing mechanics' and literary institutions, which had been doing admirable work, and only wanted that administrative guidance and pecuniary help which the government alone could supply, seeing this help withheld, nay, even applied to the foundation and sustenance of rival schools, had to struggle on, falling more and more from their original intentions, becoming often mere clubs with low subscriptions, attractive amusements, and popular lectures, and losing slowly but surely a large portion of their value as schools for the people. Can it be disputed that, if some aid at least had been given to existing mechanics' institutes, and some trouble taken to keep them to the work which they had been founded to accomplish, they might have been saved from the comparative failure which too many of them have confessedly encountered, and rendered what they were intended to be,—a popular and successful organization, with the double object of improving the intelligence and knowledge, and of adding to the comfort, happiness, and well-being of the adult industrial classes?

In all states of society in which the advantages of education are not appreciated by the classes supported by manual labour, or by some other classes, a true statesman will surely feel that it is indispensable to awaken those classes from their apathy by the primary action of an intelligent administration—in this view the government aid and the endowments of wise founders are of the greatest utility. Yet, with one solitary exception, in the case of the East Lancashire Union, institutions for the education of adults have been left to voluntary support and control. And in this exceptional case the aid given, though of the greatest benefit to the institutes in question, was withdrawn almost before its effects could be felt.

It is true that mechanics' institutions have derived some government assistance of late from the Science and Art department,—that their teachers have been rewarded by payments for the success of their science classes,—that their scholars have earned prizes and medals,—and that grants of apparatus, &c., have been received; but if the government have thus far recognised their existence, why have they not given them the other advantages which are offered to evening schools in connection with day schools?—and further, why, having in a solitary case granted this assistance, have they again withdrawn it, instead of extending the same assistance to other unions and other institutions?

It appears to me that it is quite an indefensible position that the South Kensington department of the Committee of Council should recognise the existence of mechanics' and other institutes, and aid them in common with the evening schools which receive the grants

of the Whitehall department, whilst, on the other hand, the latter department—though it did assist for a time a few of these mechanics' and other institutes—now confines its aid to evening classes connected with day schools, and refuses to aid any other institutions for the education of our adult population. It would be better that the Whitehall department should invent some mode of giving grants on results (after some such plan as that pursued by the Science and Art department) to the classes of mechanics' institutes, than that they should pursue the inconsistent course of refusing them aid altogether.

In conclusion, I would say a few words concerning the future.

It is an admitted fact that mechanics' and literary institutions, and that unions also of such institutions, have not succeeded in fulfilling what was expected of them by their original promoters.

As respects mechanics' institutes, this failure is chiefly due, as it seems to me, to two causes:—to the frequent want of a central organization, such as that which a union supplies, and to the poverty of the institutes, making them dependent on unpaid and voluntary teaching, lecturing, and superintendence, and tending to reduce their attractiveness.

The comparative failure of unions, on the other hand, seems to me to be attributable partly to the poverty of the institutes they endeavour to improve, and partly to the insignificant amount of government assistance they have received, and to the degree to which they have been dependent on the voluntary subscriptions of benevolent individuals.

I believe that the unsatisfactory prospect of a continued comparatively limited usefulness may be averted, and that mechanics' institutes may be made what they ought to be—attractive and efficient institutions for promoting the education of the labouring classes—if three concomitant improvements in their working are carried out:—

1. The abandonment of the rotten system of merely nominal subscriptions from their members, and the substitution of subscriptions bearing some proportion to the advantages supplied.
2. The more extended establishment of small and compact unions.
3. A liberal assistance from government, dependent on the condition of the classes of the institutions, and on the efficiency of the teaching and organizing staff of the unions.

MIDDLE-CLASS EDUCATION.

What Central and Local Bodies are best qualified to take charge of and administer Existing Endowments for Education, and what Powers and Facilities should be given to such Bodies? By SIR JAMES KAY SHUTTLEWORTH, Bart.

PROBABLY no greater proof could be given of the strength of tradition in opinion and usage in this country than the fact that the will of the testator of property settled for charitable uses has been regarded as sacred, both as respects the mode and the objects of administration, even when from the changes brought about by the lapse of time the fulfilment of his intentions has become useless or pernicious. The Court of Chancery has seemed to regard charitable foundations with even more jealousy than private property, and both Parliament and the courts of law have hitherto withheld all effectual remedies for the waste, misuse, neglect, fraud, and mismanagement of the present system of administration.

Yet public attention was nearly fifty years ago directed to this subject by Lord Brougham, who, by his earnest appeal to Parliament, procured the appointment of the original commission of inquiry in 1818. From that time to 1837, four commissions in succession—all appointed as a consequence of his persevering efforts—conducted investigations as to the condition of these charities. Their reports fill thirty-eight folio volumes. The number of the charities was found to be 28,840, their aggregate income £1,209,395, which has since greatly increased, partly in consequence of the increased value of land and buildings, and partly of some improvement in administration, consequent on the growth of a salutary public opinion. Thus the commissioners ascertained that there were 442,915 acres of land belonging to charities situated in the immediate vicinity of large towns. As a large part of this land is very valuable for building, Mr. Senior (who had been many years a Master in Chancery) estimated its value at £100 per acre, and that the whole was worth £44,000,000. He reckoned the number of houses and their sites connected with this land to be 63,000, each worth £200, or altogether 12,000,000 of money. The value of personal property, mortgages, turnpike bonds, and stock in the public securities, was reported by the commissioners to amount to £6,668,527. The property devoted to charitable uses must therefore be worth at least £65,000,000, and the income derived from it might be greatly increased by an efficient management. But many charities were not included in the commissioners' reports; the total value, therefore, may be safely estimated at £75,000,000.

No funds, in the just and wise application of which the public, and especially the poorer classes, are universally interested, were

ever worse administered. A part of the property has been most injuriously let on life leases renewable by the payment of fines. The houses belonging to the charities are, to an almost incredible extent, in a state of dilapidation. Some of the property is in the possession of persons holding by adverse titles, or without any title; and much more, in that of lessees collusively admitted, and paying rents greatly below the value. Where negligence and fraud have not wasted or misappropriated the income, it is often, especially where small, uselessly applied.

Even that larger port of this vast revenue, which was bequeathed for objects of unquestionable utility, and which has been honestly managed, might generally be more efficiently administered. The objects for which many of these endowments were bequeathed were ill-defined. They were left in general terms "for the poor." Some were destined to superstitious uses, and others to objects now become obsolete, or for purposes which, from the lapse of time and change of circumstances, it is impossible to fulfil. A still larger part of the revenue was destined to be applied according to views of charity, which experience has shown to be mischievous. Consequently, such moneys are often squandered in political corruption. When the charities of a borough do not undermine its independence, they often sap the frugality, industry, and forethought of the poor. The days on which the funds of town charities are distributed are not seldom saturnalia of every form of excess. The trustees of extensive endowments have often taken no further concern in their right administration than to preside in the Guildhall, or the hospital, while their clerk, seated on a high three-legged stool at a desk, distributed to all comers a certain stated "dole," to be immediately wasted in beerhouses. As an indication of the extent of these abuses and mal-administration, before the commission of inquiry was issued, it is significant that the commissioners certified to the Attorney-General 385 cases for legal interference, and in eighty-one of these cases, in which the gain of the charities can be numerically stated, property estimated, at twenty years' purchase, to be worth £623,366 16*s.* 11*d.* was added to the value of these endowments, and schemes were established for grammar and other schools, the income of which amounted to £28,000.

But the ordinary action of the Court of Chancery, apart from such exceptional procedure, was purely judicial. It could not originate proceedings; its powers could only be put into activity by persons interested. Such proceedings, therefore, often originated in party spirit, personal enmity, or were even instituted by attorneys with a view to costs. Sir George Turner, in the debate on Lord Cottenham's Bill, related as an example of this abuse, that a particular attorney, in the neighbourhood of that House, filed informations against the charities of the City of London, and against a vast number of other charities, at the relation of some person nominally interested, and to his knowledge the funds of many of these charities had been completely wasted in the litigation which ensued, in

consequence of the want of sufficient control over suits for correction of abuses in charities.

The Court of Chancery can now only interfere to secure the application of property to the objects to which it was devoted by its founder. With the very limited interpretation of the doctrine of *cy-pres* uses admitted by the court, the most antiquated schemes of education are perpetuated. Hospitals founded for the support of a few poor students have become wealthy corporations, supporting in purposeless ease men who ought to render service to the public for the ample revenues which they consume.

The most fantastic ideas of the morbid fancy of a recluse are as much respected as the wisest foundations of an enlightened and pious donor. Where the revenue of a charity has outgrown enormously the possibility of a beneficial application to the original use specified in the bequest, the court has only interfered timidly, and with hesitation, and generally ineffectually.

The excessive centralisation of the court has been a great bar to its usefulness. This rendered it necessary that every cause should be heard in London, and that consequently, in every matter of contention, four sets of solicitors should be employed, and consequently four sets of expenses incurred. Then, all the evidence must be written, or the witnesses must travel to London and remain there till their evidence was wanted. Such proceedings were often so languidly conducted as to be protracted over years. As they often originated in motives of which the benefit of the charity formed the smallest part, so they were often at length compromised at the expense of the charity estate without any beneficial result, if not by its ruin.

The immediate consequence of the overwhelming expensiveness of the Court of Chancery was a denial of justice to all the smaller charities. As a general rule, Mr. Senior said, that the instant a charity not exceeding £30 a year became the subject of a suit, it was gone. One of £60 a year was reduced one-half; one of £100 a year, one-third. The prudent friends of such a charity would have allowed it to be mismanaged to any extent, short of the destruction of all its utility, rather than risk its utter annihilation by the ruinous protection of the court. But the small charities were so numerous as to render this complaint an insuperable obstacle to the continuance of even their judicial control in the Court of Chancery. The Charity Commissioners reported that there were no less than 17,972 charitable endowments of less than £10 per annum; 21,880 of less than £20 per annum; and 26,085 of less than £100; and it is more than probable that a large relative proportion of small endowments is left for the education of the poor. Mr. Fearon informed me in 1852, that the annual income of charities under £10 per annum was £53,187; of those amounting to £10 and under £50 was £162,303, and under £10[illegible] 25,980.

The sma[illegible] were, before the passing of the 16 & 17 Vic. c. [illegible] er administration of charitable trusts, liable

to peculiar dangers. They consist to a large extent of rent charges, and in the lapse of time, from neglect in the appointment of trustees, or from their incapacity, absence, or omission, the payment of the rent charge falls into disuse, and after some years is liable to be absorbed into the estate, which may in the meanwhile have changed hands. New proprietors often resist the payment of a charge thus forgotten or neglected; and small charities could not sustain the expense of enforcing it. When such endowments were secured in the public funds, they were liable to a new class of difficulties—as to the appointment of trustees—too intricate for description here. When such charities consisted of houses, they generally fell into disrepair from the insufficiency of the income, and in a few years their value was greatly diminished. Sometimes, from neglect and irregularity in the renewal of trustees, the tenant usurped the property, or their ignorance or other incapacity led to the investment of the funds on insufficient security. Generally, it may be said, that moneys so entrusted to private persons followed the fluctuating fortunes of families, or, owing to personal or accidental circumstances, disappeared. The parish has often absorbed them as a loan to enable it to execute some public work, but it can give no legal security, and it is even illegal to repay such a loan. The recent Acts for the better administration of charities enable the commissioners to interfere to some extent for the prevention or the cure of these abuses. But the powers of the commission are limited both in their legal and their administrative bearing.

The bequests for education are often so meagre that they are insufficient for the support of even a small school; yet they are frequently bequeathed, in terms so defining their application, that they cannot be employed in aid of the parochial or any other local school, much less used for the benefit of the inhabitants for the support of a scholarship in some adjacent school, or of an exhibition to the university. Nor can they be combined with other small endowments in support of one common school accessible to the inhabitants of the neighbourhood.

In some parishes many small rent charges of from £2 to £10 exist, under limited trusts, and even under different sets of trustees, which might be beneficially employed to increase the efficiency of the local schools.

Even where endowments for education are equal to the annual charges of a small school, the terms of the trust so injuriously limit the objects to which the funds can be applied, that no scholar would resort to it, if it were in rivalry with a parochial or other school conducted by a trained master possessing a certificate and aided by pupil teachers.

This imperfect sketch of some of the primary difficulties affecting the administration of charities generally, and of those relating to bequests for education in particular, may serve to introduce the history of the remedies which have been successively proposed, the effects of those which have become laws, and the nature of the evils

still uncorrected. I shall, then, attempt to describe the central and local bodies best qualified to take charge of and administer existing endowments for education, and what powers and facilities should be given to such bodies.

The Committee of Council on Education, in 1841, made the first effort to introduce a better administration of the smaller charities for education, more elementary than that given in grammar-schools. A Bill introduced into Parliament in that year, by Sir George Grey and the Chancellor of the Exchequer, proposed that, with respect to such charities having an annual income not exceeding thirty pounds, two-thirds of the trustees should be authorised to submit to Her Majesty in Council a scheme to apply for ever, or for a limited period, the whole of the income in aid of some school in the same, or the next adjoining, parish or parishes, whether endowed or supported wholly or in part by annual subscription. The Queen in Council was to settle the terms and conditions on which such aid should be received. The same Bill proposed, that the majority of the trustees of any such endowment, the annual value of which did not exceed £100, might be in like manner empowered to convert and apply it to purposes of education other than, or in addition to, those settled by deed or by long usage, but in such manner that the education of the poor should be promoted by the change. The trustees were also to be empowered to accept grants in aid of repairing, enlarging, or rebuilding the school, on any conditions not inconsistent with the general purport of the trust, provided that the intentions of the school, or the donor of the property, should be as nearly as possible pursued, and that the religious constitution of the school should be preserved.

This Bill touched, therefore, some of the most desirable improvements in the administration of these small charities. It would have enabled the Committee of Council to consolidate the smallest for the support of a common school for adjacent parishes; or to apply them in aid of schools supported wholly or in part by annual subscriptions.

And with respect to larger charities, under £100 a year, it proposed to extend greatly the doctrine of *cy-près* uses, so as to secure the most efficient application of these funds to the education of the poor by the enlargement of the studies and the adoption of all modern improvements in organisation and method. In order that the buildings might be restored, the trustees were also to be enabled to accept grants for that purpose, and to conform to such conditions of these grants as annual inspection, etc., etc. These limited measures of improvement encountered an insurmountable jealousy, though if they had passed into law, many trustees would have eagerly availed themselves of their provisions. They would have enabled the governors to restore dilapidated fabrics; to group round the original school-house a dwelling for the master, class-rooms, and an infant-school; to use the field for a playground, or for allotment gardens for the · ; to restrain the mis-appropriation of the smallest chari· ·ption in aid of the parochial rates; to create by

consolidation some useful school, or to increase the staff of teachers in some existing school; to secure that the person to whom the endowment was paid was not merely nominally the master, and really some other parochial functionary, but one who performed his duties himself, and not by some inferior deputy.

The experience of the Committee of Council continued to be full of evidence of the failure of endowments, from the imperfection of the terms of the original bequest, or from changes which had rendered the original trusts impracticable or unsuitable to the most urgent wants of the neighbourhood, or from other similar causes. They found also many cases in which the charity could not be legally administered from the want of power to renew the trustees, or from neglect of such renewal. Lord John Russell and Sir George Grey, with the concurrence of the Lord Chancellor, Lord Cottenham, therefore prepared and introduced into Parliament, in 1843, another Bill, "For the Better Application of Certain Charitable Trusts for Purposes of Education."

It proposed that when the annual value of any trust income for education did not exceed £200, and the particular objects of the trust could not be fully and effectually attained, the Attorney-General and any trustee might lay before Her Majesty in Council a scheme for the better administration and application of such trust, whereby the general purposes of education might be more effectually advanced; and such scheme might be adopted, modified, or altered, as Her Majesty in Council might think fit, and when issued, become the rule for the administration of the charity.

The Bill contained corresponding provisions for appointing and keeping up a succession of trustees, in accordance with a scheme to be submitted to Her Majesty in Council by the Attorney-General and one trustee or person interested in the management of the property, and approved.

The experience of the education department, and the preparation of these two brief but significant Bills, gradually increased my own consciousness of the importance of the education endowments to the whole question of national education. Twenty-two thousand small endowments under £20 per annum, with an annual income of £110,000, are certainly to a great extent applicable to elementary schools, for where the terms of the bequest do not direct such an application, they are, in the majority of cases, so general as to leave it to the discretion of the trustees to determine in what way the poor could derive the greatest advantage from them. The Court of Chancery has held that charities left for the benefit of the poor in general terms are applicable to education, and schemes for this purpose have frequently been approved by the court. Some endowments which are manifestly absurd would, by an administration penetrated by the national sentiment and supported by public opinion, obviously be diverted to these uses, if the power existed. As, for example, a tobacconist left a field, with directions that the rental should be held in trust to supply six poor women with snuff

at *Bartholomy tide.* The field became valuable building land, and the annual rent increased to a very large amount. The application of such an endowment to satisfy the pressing needs of national education would shock no prejudice. Twenty-six thousand endowments under an annual value of £100, with an income of £325,980, probably comprise bequests of the value of not far from a quarter of a million, applicable to elementary and middle-class education, or to mixed schools like the Scotch, or to schools with a preparatory elementary department and a high school, in which a liberal education might be attained. Lord Brougham has stated his conviction that the endowments for education, which the Commissioners of Inquiry estimated to amount to £312,544, would, if carefully and judiciously managed, be worth "half a million at least," and whatever their value was when Lord Brougham made this estimate, it has now greatly increased with the rise of the value of all landed and house property in England. The question which the title of this paper submits is, therefore, of no mean national importance; for these endowments may almost equal in value the present parliamentary grant for education.

I shall proceed at once to describe the measure which was submitted to Lord John Russell and Lord Cranworth, in 1852, for the better administration of public charities, because the limits of this paper will not permit me to relate all the historical considerations on which this measure was framed, nor to quote all the authorities by which it was justified. But I may find opportunity to allude to some of these by way of incidental illustration.

As I proceed I shall also refer to certain parts of the 16 & 17 Vict., c. 137, for the better administration of charitable trusts, the provisions of which were primarily based on the proposals of 1852, and to the two later Acts, which arose mainly from the experience of the Charity Commissioners. It was proposed to the ministry of Lord John Russell, in 1852, to found a department of public charities corresponding to or identical with the Committee of the Privy Council which now administers the education grants. It was intended that this department should be represented in the House of Lords by the Lord Chancellor, as to all legal questions, and by the Lord President, as to all administrative and scholastic matters, and that a vice-president of the Committee of Council on Education, who should be a cabinet minister, should represent both the department of public charities and that of education in the House of Commons. By these arrangements, the general minutes for elementary schools aided by public grants, and for endowed schools and public charities, would all have been subject to the control of the Committee of Council on Education, while the departments by which they were administered would have been separate, though represented by the same ministers in both Houses of Parliament. The contentious jurisdiction of the Court of Chancery in matters relating to charities would, with exceptions to be specified, have been transferred from the Court of Chancery to this department, which would have comprised two spheres of

action—one administrative and scholastic, and the other purely legal. In this latter sphere, the Lord Chancellor, with the concurrence of the Committee of Privy Council, would have framed all rules and forms of procedure, whether for inquiry, or for the ordinary transaction of legal business, or for the trial and settlement of matters in dispute. The object and tendency of these rules and forms would have been to simplify to the utmost the transaction of all legal business; to provide for the arrangement of contentious matters by conciliation; and thus to hinder the expenditure of the trust funds in any form of legal transaction. In order to avoid the expense now incurred by trying all causes in London, it was proposed to revise, in a new and more effectual form, and with increased securities against expense, a power possessed by the Court of Chancery, in 1601, and which was intended at that early period to provide a remedy for evils arising from "frauds, breaches of trust, or negligence of those who should employ the same." Under the Act 43 Elizabeth, c. 4, the Lord Chancellor issued commissions, under which three or four commissioners, aided by a jury, could make local investigations respecting charity estates, and the "abuses, breaches of trust, negligences, mis-employments, not employing, concealing, defrauding, mis-converting, or mis-government of such property." The commissioners, after due inquiry, could make orders and decrees for the better management of the property, which were to have full effect, unless overruled, upon appeal to the Lord Chancellor. More than 1,000 such commissions were issued between the passing of this Act and 1760, the greater part of which were executed in the reigns of Charles I. and Charles II. Though no such commissions have been issued since the reign of George III., it is clear that this Act originated in an effort to diminish the expensiveness of such proceedings, which was frustrated by the power of appeal to the Court of Chancery. To give greater vigour to the investigation into abuses, and accuracy to the result, and to secure the advantage of a peculiar administrative, as well as judicial authority, which should originate and conduct the inquiry, and issue the decree, some more concentrated and simple power was required.

The form of procedure, by preliminary inquiry and statement to the Court of Final Jurisdiction, has also the sanction of the report of a Committee of the House of Commons, in 1835, as a means of limiting contentious action and preventing expense. Provisions for the attainment of this object were inserted in Lord Lyndhurst's Bill, in 1846. Preliminary inquiries having been conducted locally by the Inspector of Charities, the commissioners might, with respect to all charities of less than £100 per annum, hold a court in the neighbourhood, cite before them any officers of the trust and other persons, and on their evidence, issue such order as they might think fit for the payment of money belonging to any charity into the hands of a receiver or trustee, or for the future management of the estate, or to establish, with the consent of the special visitor, a scheme for the application of the revenues. This order was to be final and

conclusive, and not subject to any review, unless the commissioners should think fit to re-hear it, which they might do within two months of their final decision.

In a Bill introduced by Lord Cottenham, in 1850, it was proposed to localise the contentious jurisdiction in charities by giving the control in all charities not exceeding £30 per annum to the judges of the county courts, but with so large a power of appeal to the Court of Chancery, that it might have perpetuated the wasteful expense of legal proceedings.

I have briefly alluded to these precedents, as showing in what direction traditional policy, as well as the recommendations of a Committee of the House of Commons, and the legislative proposals of two of our ablest keepers of the Great Seal, pointed. These all tended to show the importance of an administrative power competent and disposed to proceed by way of preliminary inquiry and conciliation. They suggested that such a power should have opportunity to proceed by way of advice, and that its opinions and deliberate suggestions should, without entailing responsibility on trustees, have the force of law, while they were not the subject of appeal. They thus facilitated the formation of a skilled legal department, like the present Charity Commission, empowered to aid trustees without expense. It was obvious that vexatious or needless contention might be prevented by rendering it necessary that, in every cause brought before a court of law, the relator should present the authority of a certificate from this office; and that many improvements might be introduced in the management of estates, the schemes of schools, and administration of charities, if a power existed to authorise such beneficial changes, subject to appeal within a reasonable time. These were among the recommendations submitted to Lord John Russell's ministry, and they, with others to be presently enumerated, form the basis of the constitution of the existing Charity Commission.

By the Act for better administration of charitable trusts (16 & 17 Vict., c. 137), the Charity Commission has large powers of inquiry and investigation of accounts, records, and transactions of trustees: it can enable trustees to act with indemnity on its advice, it has a control over the initiative of all contentious proceedings in the Court of Chancery, and it can aid the administration and transfer of charitable property. The transaction of all legal business is greatly facilitated by the powers of the commission. The Act also contains clauses to reduce the expenses of proceedings in the Court of Chancery in charities which exceed £30 in annual value. For this purpose, it confers on the courts of bankruptcy and county courts jurisdiction in such charities, under the control of the Charity Commission.

This power is extended by the 23 & 24 Vict., c. 136, to charities of £50 of annual value. This jurisdiction is subject to appeal, if the board of charities certify that the appeal is reasonable and proper.

These Acts also embody many suggestions made to the ministry of Lord John Russell, in 1852.

The secretary of the commission is made treasurer for charities, to hold their funds and land in trust as a corporation, and trustees are enabled to deposit their deeds in a repository provided by the board.

But perhaps the provisions which have had the most extensively beneficial operation are those which enable the Charity Commission to frame new schemes with varied trusts for the administration of charitable property, and under certain conditions of publicity to procure a parliamentary sanction to these schemes.

These are most useful but limited powers. They have been exercised by the Charity Commission with great discretion, and the benefits which have flowed from their administration have served to prepare both Parliament and the public for a wide extension of similar powers in a department of public charities. One main defect in the position of the present Charity Commission is, that it is isolated. It forms no part of the executive government, represented by a responsible minister in Parliament. Consequently it is apt to be forgotten by the Cabinet, and the growth of its powers is prevented by its obscure position and the absence of the direct interest of a minister of state in its affairs. These defects were intended to have been avoided by the creation, in 1852, of a department of public charities connected with the Privy Council.

The plan submitted to the ministry of 1852 included, besides the foregoing provisions, others of a much wider scope. It was proposed that, in connection with the Department of the Privy Council for Public Charities, the Lord Chancellor should have power to submit to Her Majesty the appointment of two judges in charities, who separately should hold local courts for the hearing, on the spot, of all causes relating to charities, thus greatly reducing the cost of proceedings in contentious cases. Such appeals as were permitted, were to be heard before a court of review, consisting of the two judges in charities and the Lord Chancellor. Certain great charities were to be exempted by name from this jurisdiction, and certain causes were to be defined by statute, which might, on the certificate of the Attorney-General and the application of the parties, be referred to the Court of Chancery. Among these causes it was intended to include contentions concerning religious uses and trusts, and between the possessors of private property and the trustees of charities. All other causes were to be heard and determined by the new jurisdiction.

It was intended to define by statute the limits within which the department might sanction a great extension of the *cy-près* doctrine of the Court of Chancery, when sixty years had expired from the death of the testator. This extension was intended to include all improvements which the experience of the department might shew would more effectually carry out the intentions of the testator—give them a wider scope, adapt them to the wants of the neighbourhood or of society, or where there were few or no recipients would seek out an analogous use. The limitations intended were, that endowments left for secular uses should not be applied to

religious and political; and that the revenues of remedial charities, [illegible] should not be diverted to such arbitrary expedients like the [illegible] of the genus, but rather that, when the terms were general, those uses should be preferred which tend to improve the intelligence and increase the moral force, and so prevent the suffering which ignorance, idleness, or vice entail.

There is a collateral question of great interest to which attention has been drawn by members of this Association, and by none more ably than by Miss Emily Davies. Down to a very recent period, girls attended as scholars in many of the smaller grammar-schools. In the terms of the foundation of some schools the instruction of both sexes was intended. We know that education of women of high rank was, at the Reformation, carried to the same level as that of their brothers and husbands in the classical and modern languages, and there is a reasonable doubt whether any such distinctions as now exist were then made in the literary instruction of girls and boys. A plea, therefore, is urged which deserves consideration: that the ancient foundations should not confine their instruction to boys, but should extend it to the education of girls of the upper and middle classes, by employing the endowment in the building of school-houses for girls; in founding new schools with an endowment for the payment of the head mistress and other teachers; in the endowment of professorships for the teaching of particular subjects; and in the creation of scholarships tenable in the school itself, and exhibitions to some higher school or college. We have the deepest interest in the more complete instruction of women, so as to fit them not merely to be the companions and helpmates of men of liberal education, but to be in the highest degree competent to guide the bringing up of their children. Nor can the most superficial attention be given to the question without a conviction that it is worthy of the attention of the scholastic department of a committee of public charities.

This sketch of the general features of this department of public charities premised, I proceed, in answer to the inquiry at the head of this paper, to describe the mode in which the department might administer the endowments of education, and to define its relations to local bodies. As respects the conciliatory legal jurisdiction of the committee of public charities, the present Charity Commission, in the exercise of its limited powers, has, by its discretion, secured a large amount of public confidence, and prepared both Parliament and the trustees of charities to promote an extension of the powers of such a department. That commission would, with the addition of one or two commissioners, appointed chiefly on account of their scholastic experience and qualifications, probably constitute the executive of the committee of public charities under the presidency of the Vice-President of the Committee of Council on Education, and in subordination to that committee. They would have two separate classes of inspectors—legal and scholastic. The legal inspectors would aid in preparing statements of facts for judges in their local courts, and in

the investigation of matters intended to be settled by concurrence under the authority of the department. The functions of the scholastic inspectors would resemble, in endowed schools, those of the existing school inspectors in elementary. They would examine the organisation of the school, the course of studies, the methods of instruction, and the attainments and progress of the scholars, and report, for the information of the master and trustees on the one hand, and of the commission and Parliament on the other.

The present Charity Commissioners are not empowered to exercise many of the administrative functions now so beneficially exerted by the Committee of Council on Education. They do not now inspect and confer as to the construction of buildings with a view to scholastic purposes, but only to the legal application of the funds of the trust. They do not now advise as to qualifications of masters, whereas many of the governing bodies, when selecting masters, would be glad to have the assistance of a skilled public body acting on general principles and in communication with the universities. The Charity Commission does not at present confer with trustees as to schemes of study, or as to methods of instruction; yet, perhaps there is not a more frequent cause of the failure of endowed schools than their imperfections in these respects. Men of high scholarship are not necessarily good teachers, nor sagacious in the adaptation of the course of instruction to the wants of the neighbourhood, nor do they necessarily possess the tact, gentleness, and firmness required for the discipline of youth. Not seldom, a college appoints to the mastership of a school a recluse scholar, who knows nothing of teaching beyond the aid given in private instruction to undergraduates, individually and separately. Such a man is often bewildered and half maddened by the waywardness of his young pupils in a grammar-school. The school often comprises a mixed group of the sons of yeomen, shopkeepers, substantial farmers, country clergymen, struggling professional men, and small proprietors, and, among them, are mixed a few children of bailiffs and superior mechanics. To the waywardness of youth, is often added a stolid stubbornness of resistance to discipline, which, if not handled with skill, issues in outbreaks of rebellion fatal to the authority of the master. A learned, well-intentioned man may thus, by the want of tact and skill, disperse a school in a few months, which had previously been in a state of considerable prosperity in the hands of an inferior scholar possessing greater tact and teaching power. Even when by gentleness and firmness such a man can maintain the discipline, he may have no power to teach classes collectively; for there is little in the experience of a university private tutor fitting him for the collective instruction of classes. Thus, a school which had attained celebrity by the success of its scholars in their pursuits in life, or in the universities, may rapidly lose its reputation and be deserted. Such a committee of charities as has been suggested would direct its attention to the best means of testing the qualifications of candidates for masterships in these

respects, and would provide in the terms of agreement for their removal, if after a proper probation the school suffered from their defective qualifications.

There are also many important matters on which the scholastic department of the committee might become a centre for the collection and diffusion of information. By such means the experience of one trust would become useful to others, on such questions as the literary and pecuniary conditions of the admission of scholars, in the revisal of schemes, as to the powers to be confided respectively to the governors and the head and assistant masters, the establishment of scholarships and exhibitions, and the nature of the discipline and the domestic arrangements.

In all these proceedings, the department would not proceed authoritatively. As it collected information from the whole country, and as endowed schools were found to derive advantages from acting with its advice and aid, the influence of the committee, exerted solely by way of suggestion, would continually increase, and it would come to be practically the source of motion in all the scholastic machinery in the country. But as this action would everywhere be voluntary, it would be necessarily so modified by the personal skill and experience of masters, and the local knowledge and sagacity of trustees, that it would not stiffen into the rigidity of a pedantic uniformity regulated by authority, but would have, on the contrary, separate forms of growth like those which a common organisation and a common climate allow to separate seeds of the same tree.

That there should be such a centre of administrative experience and skill is important, in order that harmonious action might be preserved in the promotion of certain improvements, as well as in the conservation of important traditional principles. The grammar-schools founded in the reigns of Edward VI., Elizabeth, and their successors, provided principally for the education of children of the middle classes, but they had this important feature, that they gave considerable facilities, in various forms, for the admission of children of the manual labour class. This they generally accomplished by admitting pupils to the schools without pecuniary charge. By this they promoted to a limited extent the instruction of the poor and apathetic classes. But they also superadded scholarships to be won by competition, which enabled the son of a labourer to remain at school without expense to his parents for food or clothing. Thus youths born in the humblest homes, but gifted with high moral and intellectual power, were enabled also to win exhibitions, enabling them to proceed to the university, where they found within their reach other scholarships and bursaries to support them through an honourable collegiate career. By these means letters became a republic in which the highest distinctions were attainable by the lowliest merit. Thus many of the fellows and masters of colleges have been born in the cottages of labourers; many of the highest functionaries of the law—successful pleaders, some judges—and bishops have been children of yeomen, farmers, shepherds, or small

tradesmen in remote dales, where the only door to a higher career than that of their parents was the grammar-school, through which they entered the path of literary and scientific distinction.

This was a wise and generous policy. It was generous to afford to the humblest the opportunity to rise above all the adversities of their lot, by the cultivation of their natural capacities. It was wise to attract the poor and apathetic classes by making education free, and it was, in a more emphatic sense, wise to encourage all in whom stirred the fire of genius, or who were conscious of mental power, by offering to them freely the means of proving, step by step, their capacity to do good service to the commonwealth. Such a policy as this ought not to be forgotten. It would be one of the guiding principles of such a commission to keep open to capacity in the obscurest position the means of literary and scientific education, and to perpetuate the stimulus and aid of scholarships and exhibitions, so that the highest distinctions and rewards of learning should be attainable to the humblest born. Moreover, it is a part of the idea of liberty in this country, that the utmost facility should be given to the greatest capacities to rise from the humblest ranks to the highest, and that, for that purpose, there should be no insurmountable barrier between the elementary school, the grammar-school, and the university.

The harmony of all efforts to bring about an improved administration of endowments for education might be most advantageously promoted by this department of public charities. For example, the consolidation of the smallest parochial endowments for the promotion of one common object. Or the application of small scattered funds to the establishment of scholarships in a central school. Or the sale of small isolated houses and properties, with a view to the erection of suitable school buildings, in a position accessible to a wide neighbourhood. The department might, in like manner, promote co-operation between the trustees of small endowments and town councils. The corporation, by undertaking the erection of new buildings for a foundation school, or the augmentation of the annual income, might, in virtue of this, acquire the power to appoint a proportion of the trustees with proper literary qualifications. Thus might be founded a high school offering a cheap efficient education to the sons of tradesmen in the town. Such a department would also soon solve all difficulties as to the co-operation of a proprietary body, and the trustees of an old endowment. It would settle their relative position and authority in the management of the funds and the government of the school. Thus, in populous districts, important endowments might become available, as the nucleus round which might be grouped boarding houses built by proprietary bodies, but regulated by the same discipline as those erected at the cost of the foundation. With the growth of our populous towns, we need many high schools, in which home training might be combined with education in a public school. We have also the means of creating many Rugbys and Harrows, in the beautiful and healthy hill country

by which Lancashire, Yorkshire, Cheshire, and Staffordshire are bordered.

The local bodies of governors or trustees, now charged with the administration of endowments for education, are often the least eligible. The smaller endowments are to a great extent entrusted to the churchwardens and overseers, officers annually elected, and under whose management the endowment is often diverted from education to other parochial uses. Or no sufficient provision is made for the succession of trustees, and the funds are either administered by persons not legally qualified, or they are not properly protected and are absorbed into private properties, or applied to local uses alien to the intention of the donor. Or when the appointment of trustees is duly provided for, it is neglected, and similar consequences ensue. Or when the succession of trustees is kept up, their duties are negligently performed. Some one active trustee possibly uses the funds for collateral objects, or they are wasted in legal expenses. The audit of accounts is not regularly conducted, and the present Charity Commission has not sufficiently the power to take the initiative in the investigation or in the correction of such negligence or abuse.

Larger powers should also exist for the renewal and better constitution of bodies of governors—to enable them to co-operate with town councils and committees of proprietary bodies, and to place them in harmonious relations with the department of charities as to the legal and scholastic inspection of their schools, and as to the revisal of schemes for the consolidation or better administration of the funds committed to them.

It has been suggested that county boards might exist which might have power to suggest schemes for the consolidation of endowments for education; the reconstitution of bodies of trustees; the selection of proper persons for appointment as trustees; and to advise on the relations of town councils and proprietary bodies to the governors of foundation schools. I can conceive that, at a more advanced stage of the development of middle-class education by the improved administration of endowments, such local bodies might afford useful information to the department of public charities, and might act as referees on questions requiring much local knowledge and experience. But I see no reason for the interposition of any authoritative administrative action between the department of public charities and the local bodies of governors and trustees. This is, however, a subject well worthy of discussion, and one on which I know that able men hold opinions differing from those which I have expressed.

The attention of this Association was drawn, in 1859, by Vice-Chancellor Sir William Page Wood, to a subject of even wider relations, involving principles less easily apprehended than any which I have hitherto submitted for discussion. As society has advanced, it has become politically more stable, in proportion to the security afforded to the possession of property, and to the extent of the privileges conferred on those who acquire it. "Nevertheless, a limit has in every

system of jurisprudence been found necessary, beyond which the owner at any given period of a given property has not been allowed to control its destination." Thus property cannot be "tied-up" beyond twenty-one years after the decease of persons in existence at the time when the act of disposition takes effect.

I must refer members of this Section to a paper printed in the volume of *Transactions* of this Association for 1859, for an admirably clear sketch of the history of the law of mortmain and an account of its exact present condition, by Vice-Chancellor Sir W. Page Wood. Suffice it to say, that the policy of the law appears to be to discourage the withdrawal of land from the family of the owner or from general commerce, in order to devote it to charitable objects, but to encourage the devotion of personal estate to the same class of objects—but the mode in which this is effected is inconsistent and incomplete. A charitable disposition in law is the appropriation of property to some general public purpose, as contrasted with gifts to individuals for their own use. The only limit to such gifts is that the purposes be not contrary to positive law or the policy implied in law.

While, on the one hand, the owner cannot, on behalf of his own family, exercise a power of bequest over the disposition of his property for a longer period than twenty-one years after lives in being, he is allowed to appropriate the same property for ever to any public purpose consistent with law, religion, and morality. Sir William Page Wood gives the following illustration of the not unfrequently fantastic use of this power: "One testator, not long since, bequeathed £300 a year, to be for ever applied as a pension to some person who had been unsuccessful in literature, and whose duty should be to support and diffuse, by his writings, the testator's own views as enforced in the testator's publications. An inquiry was directed as to whether the testator's publications contained anything contrary to religion or morals, and this being answered in the negative, the so-called charity was established."

The question arises whether the owners of property should have the power of fixing its destination for ever to upholding such whims.

Then there are the questionable forms of charity, to which I have alluded in the early part of this paper, which tend to increase pauperism and vice, and the administration of which ought to be subject to great vigilance, and their appropriation to an authoritative review, for the purpose of giving the bequest a more useful direction. This power, as we have seen, exists, to a limited extent, in the Court of Chancery, but there is a necessity for getting rid of the cumbersome expense which still obstructs the application of this remedy, and of greatly enlarging the range of its application. There have been such beneficial instances of the exercise of this power, under the existing law, as to justify a wide extension.

With full illustrations of these general principles, Sir William Page Wood proceeds to declare his opinion.

It is unreasonable to allow every existing owner the privilege of fixing for ever the destination of his property, whether real or

personal. The distinction between the devotion of real or personal estate to charitable uses is not sound. All posthumous charity ought to be very strictly regulated. A less expensive machinery than the Court of Chancery is desirable; and, further, the regulating power should be extended, so as to make charitable endowments more generally available to the exigencies of the time.

Then the Vice-Chancellor proposes some admirably-devised rules as the conditions to be observed in the disposal of either real or personal estate, by deed, for any charitable purpose selected by the donor.

But he advises that there "should not be any power of making any charitable devise of land, or any bequest of money, exceeding a given amount in value (say £200), to endure beyond the period allowed by law for the appropriation of money in other cases, except in form of some existing charity, already established, under any decree or order of the Commissioners, under the statute of Elizabeth, or of the Court of Chancery, or already established with the assent of the Commissioners. And, if exceeding the above amount, such devise or bequest, even though it be to any such existing charity, to be by will, executed at least twelve months before the testator's decease."

I omit other recommendations of the Vice-Chancellor, which resemble very closely those which I have made in previous parts of this paper, as to the existence of powers to re-model the application of small charities, and to revise the appropriation and administration of all charitable endowments whatever, "for the purpose of enlarging the scope of the charitable trust, or of varying the application of the funds to other charitable uses."

The question which I have discussed has necessarily involved technical matters. I have drawn only a meagre outline of its features. Time has not sufficed for the discussion of many interesting questions which have been incidentally alluded to. It is marvellous that a superstitious adherence to the bare letter of the English idea of self-government should have been preferred to an interference which would have rescued from fraud, mismanagement, waste, or pernicious application, a large part of a revenue exceeding a million and a half in annual value, and of which probably three-fourths of a million might be made the prolific seed of an efficient system of education for the middle classes and the poor.

The effort to economise the appropriation of the miscellaneous estimates, together with the jealousy of a system of education based on the organisation of the religious communions, which refuses to conform itself in all respects to the civil rights of the people, led to a reduction of the parliamentary grant for education.

Administrative changes have also impaired the efficiency of the machinery which, in the training-colleges and pupil-teacher system, had been created by the liberal aid of the government.

It is due to Mr. Bruce to say that whatever could be accomplished towards appeasing discontent, and conciliating co-operation, has been

done by him, through the mild interpretation of the provisions of the revised code.

But the voluntary contributions, which had been evoked to the extent of many millions under the fostering care of the old code, and which were rapidly increasing, have been discouraged, by the sudden change introduced by the new code. There is the greater need to utilise all our national resources. The importance of the efficient use of the small endowments, in elementary education, was perceived at an early period of the operations of the Committee of Council. This conviction led to the proposal of the Bills of 1843 and 1846. The soundness of the policy indicated in those measures is confirmed by all subsequent experience.

The education of the humble portion of the middle classes, such as small tenant farmers and the lower shopkeepers, is exceedingly inferior to that obtained by a large portion of the children of the manual labour class. There are no apprenticed pupil-teachers, nor any training-colleges to prepare schoolmasters and mistresses for the children of humble tradesmen.

The class immediately above them is to a great extent the victim of pretentious charlatans, who advertise very much in the style of those mercantile establishments whose prosperity appears to depend on the number of their dupes. The Oxford and Cambridge examinations have had a salutary effect, in enabling better-conducted private and grammar-schools to establish a well-merited reputation: but the education of the middle class is generally in a chaotic state. A considerable proportion of even the endowed grammar-schools are exceedingly inefficient, and some are useless in consequence of the want of a vigilant and intelligent scholastic control. An almost incredible want of statesman-like foresight has permitted this state of things to exist, even while a large part of Europe has been successfully preparing its entire peoples to meet the great crisis of their history with intelligence. We have refused to learn from their example and experience. Few things have been more unpopular than to allude to them. We may have been, perhaps deceived, perhaps intoxicated, by the rapid and continuous growth of our commercial prosperity and colonial empire. The inventive power, the practical sagacity, the enterprise, the courage, and the indomitable perseverance of our race, have made all the vast conquests of our commerce, with little aid from general literary or scientific cultivation. But the future of the nation requires the light and guidance of a generally-cultivated and refined mental power. A merely material prosperity, and a purely commercial civilisation, must be more or less sensual, and will not be under the guidance either of the loftiest morality or of the most prescient intelligence.

A prosperous, wealthy, powerful commonwealth might derive its revenues from the sufferings of subject nations. It might make them tributary to its commerce or revenue without caring for their well-being or social development. It might, after centuries of domination, leave behind it no traces of the beneficent rule of a nobler

race. It might cruelly extirpate savage or semi-barbarous tribes as it occupied their lands. It might, like the slaveholders, regard its manual labour class rather as the machinery of manufactures and agriculture than as a sentient thinking part of the body politic. It might regulate its foreign policy, chiefly with a view to extension of the markets of trade, believing that it had no higher relation with the common lot of humanity than that of the mutual benefit to be derived from commercial transactions. It might forget all the traditions of its history, which must have shown the influence of a progressive freedom even on its material prosperity. It might determine to rule its state by a patrician class, lifted to power rather by wealth than by honour. A commonwealth governed by a selfish and ill-instructed plutocracy would grind its manual labour class down to a servile condition, and purchase an illusory peace at the expense of everything that could make a nation a leading power in human civilisation.

All the highest hopes of the nation depend on the growth of its mental and moral powers—on the diffusion of intelligence, patriotism, and a transforming Christian faith among all ranks of the people. Without this we may make the commercial conquest of the world, and may, like the Romans, introduce order where piracy, rapine, and confusion prevailed, but we shall be, like the Romans, merely precursors of a profounder and more spiritual force. We hold in subjection, but shall not civilise, much less shall we Christianise, the 150 millions of Asiatics now beneath our rule, unless we approach the task with a loftier intelligence and less selfish aim. Our power to fulfil a higher mission to humanity must depend on the degree in which we add to the highest attributes of the Greek and Roman all the best traits of a gradually-expanding Christian civilisation, purifying and elevating the intention with which we wield a constantly-increasing power over the forces of nature. The spiritual must entirely penetrate the material power which we employ. That is a result which can only be attained by the most careful, intellectual, and moral cultivation of the entire people.

THE EDUCATION OF NEGLECTED AND DESTITUTE CHILDREN.

On the nature of the Educational Aid required for the Destitute and Neglected portion of the Community. By MARY CARPENTER.

THE subject of education has occupied a very prominent place in the proceedings of this Association from its very commencement, and the importance to the country of the education of that portion of the

community which has hitherto remained in a state of heathen darkness has been pressed upon the notice of the Education Department year after year by those who have known from actual personal experience the enormous cost to society of the degradation existing in our midst.

At the last meeting of the Association at Sheffield, the intended presidential address by Dr. Hook, which was read to the Department, though he was unfortunately prevented by illness from himself delivering it, forcibly set forth the immense importance of our consideration of the subject. The whole of one day's business was directed to it, many important papers were read, and after a long and animated debate, the following resolution was passed unanimously :—

"That this Department, being convinced of the existence of a large and growing number of children who are unable from very varied causes to enter any schools at present existing, and who are therefore constantly increasing the pauper and criminal classes of the community, earnestly requests the Council of the Association to press upon the Government the need of full inquiry being made into the extent of this class and their circumstances, and also as to the amount of pecuniary aid needed to give efficiency to such schools as are intended to meet the wants of those for whom no provision is at present made by any of the educational institutions receiving government help; and further to urge that prompt action may be taken in accordance with the results of the investigation."

This resolution was endorsed by the Council of the Association, and steps were taken to bring the subject before the government, by a deputation to the Prime Minister. But unavoidable delays and a political crisis prevented this from being carried into effect. The government waschanged without any public assertion of the importance of education to the people; not to a favoured class only, not to those who already deserve it, and will make every possible effort to obtain it for their children, but to every one, whether high or low, who is born on British ground ; and most of all to those wretched young beings who must form a prominent part of the coming generation, and who are now preparing, by their deep ignorance, to perpetuate and probably to increase the poverty and crime of the country.

The important subject was not, however, forgotten. An education commission was sitting which did not, indeed, professedly enter on this special question, but which had among those composing it, gentlemen who had directed their attention to the needs of this portion of the community, and understood how little the present educational system supplies them. A sweeping change is recommended by it; no less, indeed, than the dissolution of the Committee of Council, and the adoption of an entirely new system. We shall not here attempt to give an opinion on this, but before proceeding to consider the nature of the special provisions required for the portion of the population requiring help the most, it is important to inquire why the educational systems which have been in operation so long have failed to affect it.

When the Committee of Council on Education began its work, the educational status of the country was extremely low, quite as much as [illegible] as are the ragged schools of the present day. The principle of assistance was a valuable one—viz., to stimulate, encourage and [illegible] voluntary effort in such way as to improve the schools. This was [illegible] in giving help in the erection of school buildings. Infant schools were not then in existence. The school fees from the school to the schools for the working classes was [illegible] and appropriate. The [illegible] given was adapted to the wants of the class.

When ragged schools were first commenced in 1846–6, they were [illegible] effort to deal with the task of Christianity and civilisation in [illegible] of the streets, little was attempted [illegible] under some degree of moral influence. [illegible] was desired to impart as great [illegible] as the children were capable of receiving. This was however a [illegible] work, because the condition of the children [illegible] and the schools were to be made [illegible] from the parents. Voluntary effort was [illegible] schools and had the Committee of Council been [illegible] would [illegible] given [illegible] to prove to the [illegible] the disease of the country, the festering wretchedness which [illegible] spread [illegible] through the land. [illegible] the [illegible] of the population. [illegible] Council has [illegible] and influential [illegible] to induce them [illegible] while [illegible] in [illegible] training for [illegible] which [illegible] advantages destined to [illegible] advantages.

[illegible] we might have [illegible] But we were [illegible] and that the [illegible] which we could easily [illegible] in the country. They [illegible] that the government should not do [illegible] the work of the [illegible] Example this mode of [illegible] in other departments of the government of the country [illegible] moral and intellectual [illegible] [illegible] extraordinarily [illegible] in Sheffield [illegible] —

One of the [illegible] we had to ask was whether the ragged class was to be [illegible] in a permanent state in the country?

He contended that it would be quite wrong in an officer of the State to take for granted that there would be permanently a ragged school class. It arose from a wrong state of things that such a class existed, and the object to be aimed at ought to be to get that class into other schools. He did not, from the inquiries he had made, believe that the children of ragged school classes were in general the children of parents who could not pay, but of those rather who would not pay, and this, although not so much affecting the consideration of benevolent persons, was a very material subject for government to consider, as regarded the appropriation of their funds. The government had to see that every shilling laid out was followed by the development of increased efficiency, and had to avoid the danger of drawing children from the better kind of industrial and other schools down to the ragged schools. On these grounds he contended that the only way in which the ragged schools could well receive government aid was through the industrial element which was connected with them. The danger of making the ragged schools permanent and drawing other institutions down to them, instead of raising the class who were received by the latter, was that against which the government principally was compelled to guard."

Again and again have these fallacies been fully exposed. Eight years have passed since that statement was made. The class of neglected and destitute children have been increasing rather than diminishing, of which Manchester, as well as other large towns and cities, can bear witness. National and British schools have not been "drawn down" by the proximity of well-managed ragged or free day-schools; the education of the class above has never affected this beneficially, in the remotest degree; the tendency has, indeed, always been for the British and National schools to rise to a higher class rather than touch the lower, while the educated children have either kept themselves aloof from the lower, or else they have been dragged down by them into degradation. Such has continued to be the state of things, except where isolated efforts have demonstrated what good might be done to this portion of the population, and, indirectly, to society in general, if the government only did its duty to the children. It is no fault of these unfortunate little ones that they have careless or dissolute parents. They have a right to expect, and we must demand it for them, as they cannot for themselves, that they should not be left in a civilised and Christian country without knowledge.

It is unnecessary to occupy the time of this Department at present with considering the action of the present or revised code on schools for this class. Every experienced person will at once perceive that though under peculiar circumstances, and with especial and extraordinary effort, grants may be obtained under it for ragged schools, yet that it is absolutely unfitted to meet the wants of this portion of the population.

Let us now consider the nature of the educational aid required for these schools, and why they must necessarily differ from those for the labouring classes.

respects, and would provide in the terms of agreement for their removal, if after a proper probation the school suffered from their defective qualifications.

There are also many important matters on which the scholastic department of the committee might become a centre for the collection and diffusion of information. By such means the experience of one trust would become useful to others, on such questions as the literary and pecuniary conditions of the admission of scholars, in the revisal of schemes, as to the powers to be confided respectively to the governors and the head and assistant masters, the establishment of scholarships and exhibitions, and the nature of the discipline and the domestic arrangements.

In all these proceedings, the department would not proceed authoritatively. As it collected information from the whole country, and as endowed schools were found to derive advantages from acting with its advice and aid, the influence of the committee, exerted solely by way of suggestion, would continually increase, and it would come to be practically the source of motion in all the scholastic machinery in the country. But as this action would everywhere be voluntary, it would be necessarily so modified by the personal skill and experience of masters, and the local knowledge and sagacity of trustees, that it would not stiffen into the rigidity of a pedantic uniformity regulated by authority, but would have, on the contrary, separate forms of growth like those which a common organisation and a common climate allow to separate seeds of the same tree.

That there should be such a centre of administrative experience and skill is important, in order that harmonious action might be preserved in the promotion of certain improvements, as well as in the conservation of important traditional principles. The grammar-schools founded in the reigns of Edward VI., Elizabeth, and their successors, provided principally for the education of children of the middle classes, but they had this important feature, that they gave considerable facilities, in various forms, for the admission of children of the manual labour class. This they generally accomplished by admitting pupils to the schools without pecuniary charge. By this they promoted to a limited extent the instruction of the poor and apathetic classes. But they also superadded scholarships to be won by competition, which enabled the son of a labourer to remain at school without expense to his parents for food or clothing. Thus youths born in the humblest homes, but gifted with high moral and intellectual power, were enabled also to win exhibitions, enabling them to proceed to the university, where they found within their reach other scholarships and bursaries to support them through an honourable collegiate career. By these means letters became a republic in which the highest distinctions were attainable by the lowliest merit. Thus many of the fellows and masters of colleges have been born in the cottages of labourers; many of the highest functionaries of the law—successful pleaders, some judges—and bishops have been children of yeomen, farmers, shepherds, or small

tradesmen in remote dales, where the only door to a higher career than that of their parents was the grammar-school, through which they entered the path of literary and scientific distinction.

This was a wise and generous policy. It was generous to afford to the humblest the opportunity to rise above all the adversities of their lot, by the cultivation of their natural capacities. It was wise to attract the poor and apathetic classes by making education free, and it was, in a more emphatic sense, wise to encourage all in whom stirred the fire of genius, or who were conscious of mental power, by offering to them freely the means of proving, step by step, their capacity to do good service to the commonwealth. Such a policy as this ought not to be forgotten. It would be one of the guiding principles of such a commission to keep open to capacity in the obscurest position the means of literary and scientific education, and to perpetuate the stimulus and aid of scholarships and exhibitions, so that the highest distinctions and rewards of learning should be attainable to the humblest born. Moreover, it is a part of the idea of liberty in this country, that the utmost facility should be given to the greatest capacities to rise from the humblest ranks to the highest, and that, for that purpose, there should be no insurmountable barrier between the elementary school, the grammar-school, and the university.

The harmony of all efforts to bring about an improved administration of endowments for education might be most advantageously promoted by this department of public charities. For example, the consolidation of the smallest parochial endowments for the promotion of one common object. Or the application of small scattered funds to the establishment of scholarships in a central school. Or the sale of small isolated houses and properties, with a view to the erection of suitable school buildings, in a position accessible to a wide neighbourhood. The department might, in like manner, promote co-operation between the trustees of small endowments and town councils. The corporation, by undertaking the erection of new buildings for a foundation school, or the augmentation of the annual income, might, in virtue of this, acquire the power to appoint a proportion of the trustees with proper literary qualifications. Thus might be founded a high school offering a cheap efficient education to the sons of tradesmen in the town. Such a department would also soon solve all difficulties as to the co-operation of a proprietary body, and the trustees of an old endowment. It would settle their relative position and authority in the management of the funds and the government of the school. Thus, in populous districts, important endowments might become available, as the nucleus round which might be grouped boarding houses built by proprietary bodies, but regulated by the same discipline as those erected at the cost of the foundation. With the growth of our populous towns, we need many high schools, in which home training might be combined with education in a public school. We have also the means of creating many Rugbys and Harrows, in the beautiful and healthy hill country

neighbourhood. Wild vagrant boys and girls do not like to lose their liberty ; parents do not like the control over their children to be forcibly taken from them.

The great educational efforts which have been made in Manchester during the last two years will doubtless throw much light on the question. I trust that this important crisis will not be allowed to pass without making a permanent and suitable provision by schools properly adapted to the wants of the ignorant and neglected children of our country.

THE RELIGIOUS DIFFICULTY.

The Conscience Clause. By the Rev. W. J. Kennedy, M.A.

IN the following paper I propose to show—first, how the question of a conscience clause for the trust deeds of schools arose; secondly, to explain and try to do justice to the principle of those churchmen who disapprove of the proposed conscience clause ; and thirdly, to show reasons why they should accept some conscience clause.

It would be of no practical use whatever to refer to the usage in other countries about the teaching of religion in schools for the poor ; because the circumstances of popular education in this island are, and will probably remain, widely different from what they are in any other country either in Europe or America. I pass by, therefore, as irrelevant all reference to the practice of other countries. The question of a conscience clause has arisen in this country from the practice of the National Society, which may be taken to represent the Church of England. This society, which was founded in 1811, was incorporated by royal charter in 1817. The charter lays down no more than that the society shall be a community "for promoting the education of the poor in the principles of the Established Church throughout England and Wales." Subsequently, however, the managers of this society proceeded to lay down six very definite rules, which they called the conditions or terms of union with the society, and which are now generally embodied in the trust deeds of church schools. Two out of the six rules specially concern our present subject, viz., the first and third rules. The third rule enacts that "the children are to be regularly assembled for the purpose of attending divine worship in the parish church, or other place of worship under the establishment, unless such reason be assigned for their non-attendance as is satisfactory to the managers of the school." The first rule—and this is the more important of the two—enacts that "the children are to be instructed in the Holy Scriptures, and in the liturgy and catechism of the Established Church." The intention and object of these rules

was to establish purely and exclusively denominational schools. The third rule, indeed, gives the school managers permission, if they please, to exempt a child from going to church with the other scholars for a satisfactory reason; but it never contemplated for an instant that attendance at a dissenting chapel would or could be one of the satisfactory reasons. The first, and chiefly important, rule says "the children are to be instructed in the liturgy and catechism of the Established Church." These words mean all the children, without exception. The words prove this; the well-known feeling and intention of the founders of the society prove this; and I have been assured that this, and no other, was the meaning from the lips of some of those founders. The candid and honest among the clergy, who are simply earnest, ingenuously recognise this to be the meaning. The sixth and closing rule has really and truly no bearing whatever upon the conscience clause question. It runs thus:—"In case any difference should arise between the parochial clergy and the managers of the schools, with reference to the preceding rules respecting the religious instruction of the scholars, or any regulation connected therewith, an appeal is to be made to the bishop of the diocese, whose decision is to be final." This rule had reference merely to the differences which might arise between managers about the teaching of their own church scholars, about discipline and doctrine within the church. It requires, too, that differences between the clergy and managers should have arisen; but the conscience clause contemplates all cases, and especially those where the managers are unanimous. It may seem irrelevant to refer to this rule, but I have been obliged to do so, owing to a disingenuous use which has been made of it, and to show its true bearing and limitation.

It was in consequence, then, of the first and third rules of the National Society, which broadly require the children of church schools to go to church, and to be instructed in the liturgy and catechism of the Established Church, that the conscience clause, which repudiates those requirements for Dissenters, had its rise. Here let me introduce a few words in defence and praise of those who founded the National Society more than half a century ago, and who are now all gone to their rest. They were men who were at least in advance of their own time; they dared to announce, as an essential part of the work of their Church, the universal extension of popular education. In advance of their time do I say? Why, even now, who shall say how many do not, in their secret hearts at least, regard such education with indifference, or suspicion, or dislike? The founders of this society may possibly have been shortsighted in regard to the two rules which I quoted; I think that they were shortsighted. But let me call to your mind that the dissenting population of England did not at that time bear the same relative proportion to members of the Church of England as it now bears through the natural increase of population. Moreover, even the state itself—and this deserves note—had at the time little or no recognition for dissent of any kind. It was not till some years after that the Test and Corporation Act was repealed, and the Roman Catholic Relief Bill was passed, and other

similar measures. The founders of this society may, then, I say, have been shortsighted in respect of these rules. But their conduct was consistent, for they were actuated chiefly, I suppose, by religious feelings and motives. It was also honourable, for they avowed plainly and in all simplicity what they meant by their rules, and there was at that time no shuffling about them. But, moreover, their conduct in these rules was, and is, defensible, both on the special religious principles held by large numbers of the Church of England, and also on grounds purely philosophical.

And on this last point—viz. the churchman's defence of an exclusively denominational system of schools—I wish to dwell for a few minutes, while I attempt to show what those churchmen mean who desire exclusively denominational schools, and who oppose the conscience clause which has been promulgated. I wish to set forth, so far as can be in a brief compass, what the religious principles are which very many churchmen believe to be at stake. And I desire to do so for two reasons; first, because I should hope that those who cry out against the opponents of the clause would be more just and moderate when they understand the churchman's principles and feelings; and, secondly, because I hope that churchmen themselves may receive with more favour the advocacy of a conscience clause when they find that their principles receive candid consideration, due appreciation, and a large-minded sympathy. And oh! full surely the man who thinks he has all the truth in any question is a shallow creature, is one who darkens counsel, and is an impediment to wise progress. In all controversy what is ever wanted is the large mind to understand and the large heart to sympathise with an opponent. It is an easy thing to be confident. It requires pains and thought to look at a subject from various sides.

Without, then, giving any opinion whatsoever of my own, I presume that the Anglican Churchman, and I suppose I might say that the Roman Catholic, would argue as follows:—He would say that he believes in an authoritative teacher, viz., the Church. He believes that this Church, that this teacher, is entrusted with a special "deposit," to use St. Paul's expression; and that this "deposit" will be kept in its integrity only where there is an Apostolical descent through descendants of the Apostles, called bishops. It is his conviction, for instance, that if you could remove all Churchmen and all Roman Catholics from England; if you were to remove this witness, this teacher and his "deposit" altogether away, that then ere long there would be no definite Christian creed in England; that Christianity, in short, would soon become on the footing of any other religion, for that it is the presence of the authorized teacher and his "deposit" which keeps even those who dissent from wandering altogether away. Some will say this is all error. Be it so. I am giving no opinion whatever, one way or other; I am not raising now in the slightest degree any question of truth or error. I am simply attempting to show the churchman's point of view, the belief of very learned and pious churchmen, and so far, I presume, of Roman Catholics also. The question is, will those

who profess *par excellence* to be tolerant, show themselves intolerant? Will those who, like myself, profess themselves Liberals, prove themselves illiberal? If not—then in admitting that the churchman is to be tolerated in his belief, they must also be prepared to show their toleration, their liberality towards the legitimate sequences of that belief. But one necessary sequence of that belief is a feeling respecting a child's education very different from that of those who hold no such belief. The churchman is urgent to be free and unfettered in school, because he believes in a church; in the necessity for an authoritative witness and teacher in revealed matters; in a commission and a "deposit;" all in a sense and degree widely different from what is felt by the protestant dissenter. To him, therefore, it must seem very far from an indifferent matter whether the clergyman and the schoolmaster, during the short period they can catch their little lambs among the poor, may or may not be at liberty to impart their creed, their "deposit."

I desire to avoid specific reference to other special doctrines of the churchman which also cause a wide divergence of view about a child's education. But well instructed persons will readily call them to mind. For instance, no one can fail to see at once what a different attitude must be assumed towards children, and what a different treatment of them must logically ensue, in the case of persons so widely differing about baptism as the churchman and the anti-pædobaptist, and I might add the unitarian and others. But also on philosophic grounds, apart from purely religious grounds, the churchman does not believe that a child ought to be left to form its own creed of morals and religion. He believes that if truth is not implanted, error will grow up. He believes that childhood is just the very period in which religion is to be taught, and perhaps, humanly speaking, the only period of life when it can be taught (witness our failure among adult heathens), for that the mind then, and then only, is like the ready mortice into which the tenon of truth will duly fit. And if you go on to tell him that religious belief and religious principle may be inculcated at a fixed hour only in these schools, he will object that you are doing a grievous wrong to his scholars by restricting his teaching to set formal lessons. He will tell you that this is to quench all zeal in himself—that very zeal which led churchmen to found schools at all. He will tell you that this is to convert the schoolmaster from an educator into a mere instructor—and this, too, in the case of poor children whose only religious education, too often, can be got in their school. He will deny, perhaps altogether, that religious instruction is a mere morsel, so to speak, of education, which can be separated from the rest without injuring its vitality. He will deny that religion should be only thus administered to children, especially to these poor children, like a medicinal drug. He will assert that they must needs receive it ever, naturally interwoven in their school life like the air they breathe, if it is to nourish them, if it is to be absorbed into their nature, and form part of their life and being. Of course he will admit that the Church has its truths and mysteries which must be taught at stated times; yet he will assert that even these, or at least many of them, such as

those connected with baptism and grace and the aid of the Holy Spirit lose life and efficacy, and that the child is robbed of his very birthright, if these doctrines are treated as a mere by-part of education which the child has to learn and then to have done with; that, in fact, it is during school routine, during life in the school-room and play-ground, that these truths must receive comment and enforcement and illustration, if they are to sink in a child's heart and life, and that in the case of the poor it is thus, and thus only, that the work can, humanly speaking, be done.

One word more in the defence of the churchman's position, and I have done with this part. I say, then, that it is an illiberal and untrue view about the feelings of the opponents of the conscience clause to say, or think, that they wish to convert the children of Nonconformists by attracting or forcing them to school, and then taking an unfair advantage of them. Let those who, like myself, wish the National Society and the Church of England to adopt some conscience clause, learn above all to be just, and to be liberal in the true sense of the word. The churchman's feelings in this matter have no reference to dissenters. He is not thinking of them. When he says—"I wish for a school in which there shall be a church schoolmaster, and a man earnest in religion, and that he shall be a trainer and educator of children, and not a mere instructor and machine, the churchman says this for the sake only of the lambs of his own fold. He grudges that their young minds should breathe in school an atmosphere of hesitancy and doubt in matters of religion. He wants faith—a child's faith; and not to be rearing a brood of little premature polemics or sceptics, such as, he asserts, those children are likely to become who even in their babyhood, in their very school, have forced on their notice all the differences which exist from the churchman down to the Jew. In short, he does not seek to convert two or three little anti-pædobaptists or Socinian urchins; but he does desire to teach and exhort and train his own babes, and so, under God, to save their souls alive.

Such, though briefly and imperfectly stated, I believe to be in part the defence—the true defence—of the opponents of the conscience clause. Let those who, like myself, wish to have a conscience clause do them full justice, and not show that toleration itself can become a very intolerant thing.

But now, on the other hand, are there considerations which should lead churchmen, which should lead the National Society, to concede a conscience clause, and, having conceded it, to act upon it, not only faithfully, but cordially? I think there are. Let us consider a few indisputable facts.

The parishes and districts in England and Wales, where there cannot be two good schools for the poor, may be numbered, perhaps, by thousands. In every one of these districts there may be dissenting families. Let us take, for example, one such district. We will suppose the church to have established a school in it. How shall the managers of that school conduct themselves towards a dissenting family? If the Dissenter brings his children for admission to the school, the

managers might address him in four ways, and in four ways only. First, they might say, "We see and confess that your children can get no education except in this school; but if you send your children here we shall teach them our doctrines and proselytize them." Why this would be a shameless act, and I trust that no churchman, no Englishman, would do such injustice. Or, secondly, the managers might say, "We will not receive your children as you are Dissenters, and they must go without instruction." This would be less vile than the first hypothesis. But I think this answer is, and will be felt to be, utterly untenable, and has probably never been made. If there is any man who would return either of these answers he puts himself out of court. We may, therefore, dismiss the possibility of either of these two answers. There remain only two other answers which could be given. One is, "You may send your children to our school, but you must trust to our good pleasure and judgment as to how we will deal with them." And the other answer is, "Send your children to us, and we promise not to give them lessons in our faith." In these two last answers lies the gist of the whole question. Which of these two answers ought the Church to give? I think reflection will eventually convince almost every churchman that the answer, "Send your children, and we promise not to teach them our faith," is the only one they should give. What the churchman would have avoided, if he could, is the having at all in the school children of another creed. But this having to be submitted to—and on the hypothesis, it cannot be avoided in England—surely it will commend itself to churchmen as the more generous and noble and high-minded course to say to Dissenters,—"As you on your part put such confidence in us as to entrust your children in our school, we on our part will not be behind you in generosity, and we engage not to teach your children our doctrines." Well a conscience clause means just this—not less, certainly, but not necessarily more.

It may also be put to churchmen thus:—"We admit that your plan of a strictly denominational school, in which each faith had its own scholars only, is the best. Where this can be carried out, without denying school instruction to any of our countrymen and fellow citizens, well and good. But, where it cannot, there, in this disjointed world of ours, your wisdom is to acquiesce in inevitable facts, to take what you can get, and act upon what is second best. In other words, admit your dissenting fellow-citizens to your schools, and engage that you will not avail yourselves of your position to proselytize them. In other words, give them a conscience clause. Aye, and do not merely make a virtue of necessity; do not wait till this or a worse thing is forced upon you; but do it in full confidence that you are doing what is right because you are taking the best possible course open to you in a complex state of things and amid conflicting forces. Do it gracefully, cheerfully, and lovingly, and be satisfied to leave the result with Him who over-rules all. Indeed, to act otherwise, under the circumstances, is to distrust Him."

But, above all, I say to the Church of England, let your conduct

in this matter—whichever determination you may adopt—be plain, straightforward, and honourable. If the National Society represents you, then compel it to be simple, intelligible, and candid, for of late years it has not been so. Do not let it pretend to run with the hare and hunt with the hounds. There is no doubt about what the noble founders of the National Society meant by their rules of union. Let not the society now either misinterpret those rules, or palter with them in a double sense. Let not the National Society interpret the rules in one way to one class of thinkers, and in another way to another class. Let it not say to a person who wishes to interpret the rules in what is called the "liberal" sense that he is at liberty to do so, and the next moment tell the person who correctly and honestly interprets them in what is called an "exclusive" sense that his interpretation is the true one. This is shocking to the moral sense. It is in the last degree unbecoming and unworthy of the Church of Christ, and for many years has shocked the public mind beyond expression. I appeal solemnly to the General Committee of the National Society to clear themselves at once and for ever of this charge of being double-tongued. I speak with all the pain of a child who complains of the conduct of a parent. It is probable that a large majority of the rulers of the National Society would willingly and gladly interpret and explain their rules in all simple candour; nay, I believe that they would, so far as might be needful, add words to their rules in the sense that the children of Nonconformists should be expressly exempted from going to church and learning the liturgy and catechism of the Church of England. But, then, they are warned by somebody that this would be almost to dissolve the existing society, because it so happens that the limited number of persons who subscribe to the society and get subscriptions for the society are, for the most part, those very men who are zealous for a completely exclusive system of education. Here is the difficulty. Well, I have no desire to see the society's income suffer. Would to heaven it were twenty times greater than it is. But there are higher considerations than money; and here is one of them. And, if the present society were to dissolve by doing what is candid and best, and by adapting itself to the needs of the time, I doubt not but that a stronger society would rise up, like a phœnix, from its ashes. Simplicity and candour would prove the best policy. In this case we have a remarkable illustration of the fact that men in a society do what they would not do as individuals, because each does not feel the responsibility to rest upon him. If two clergymen of different views went to any one English bishop, and said, "My Lord, you have deliberately laid down a rule in the face of the world which, I suppose, means something, or else you would not have drawn it up and enacted it as a solemn rule, containing a principle and binding the conscience. Your rule says that 'the children of our schools are to be instructed in the liturgy and catechism.' Tell us whether this means that every scholar in the school is to learn them, or whether it means that the children of Dissenters should be exempted." Well, assuredly, no bishop in an

attempt to satisfy both parties, would take one of these clergymen aside, and say, "My rule means that every child without exception is to learn the catechism," and then go to the other and say, "My rule means that you may exempt the children of Dissenters." But the National Society, of which every bishop is a member and vice-president, has acted of late years in this double way. It leads many honest clergymen to believe that by the society's rules they have no discretionary power about teaching the catechism, and others are led to fancy that they have a discretion. I call upon the bishops in some way or other to clear their own souls, and at the same time to remove a real scandal from the Church.

The allegation that all the zeal of churchmen would be destroyed by a conscience clause does not alarm me. I am not afraid that by modifying the National Society's rules, by embracing some wise conscience clause for the Church of England, we shall destroy the zeal and interest of churchmen and the clergy, in creating and carrying on schools. Church schools in towns will remain as they are, and schools in more thinly peopled places will have enough freedom left to be worth founding and maintaining. Indeed, to the churchmen, who declare that their zeal and interest would be vitally injured, I would say, "My good friends, you have already shown that this is not quite so. You have conceded the points against yourselves. In bringing your theories to practice, you have already acted on a conscience clause. You admit Dissenters into your schools; and if a parent begs, on religious grounds, that his child may be exempted from the religious teaching, you do so exempt that child. You have, in practice, conceded that the claims of your dissenting fellow-citizens—that the claims of a dissenting parent, are paramount; and in saying that you would thus lose your zeal and interest in schools, you do not do yourselves justice, for I see that you have not lost one tittle of your old zeal."

I declare that in all my experience, obtained personally or by hearsay, an immense majority of church schools are practically carried on upon the method of a conscience clause. The long and the short of this matter is, that when persons came to actual work and practice, the good common sense of Englishmen has led churchmen to act upon that which is second best, upon the best plan which was also practicable. They have the good sense and the good feeling, when they cannot do all the good they would, to do all the good they can.

I have said that churchmen should, under the circumstances of the case, admit the just claim of the dissenting citizen and the dissenting parent. But there is another party to the matter which has a claim. I add, therefore, that the Church should recognise the just claim of the state; and the claim of the state, for a conscience clause, is not only fair and just, but necessary. We must take inevitable facts as they are. A man is very silly who runs his head against a brick wall. Well, in these days the state has, can have, no special conscience in education, and must treat all denominations of Christians as on an equal footing in this matter. But the state properly

desires to secure schools for all its citizens; nay, is bound to do so; and in furtherance of this, its duty, it demands a conscience clause, in order that the dissenting citizens may have schools to go to, and that, too, without violation and wrong to the just rights of dissenting parents. I confess that I think the state has been very patient in this matter. The state did not take up the question, till it was forced upon it by the short-sighted and shuffling conduct of the National Society, and then the state could do no less than it proposes to do by some conscience clause or other. I do not say that the words of the proposed conscience clause are the best possible; I think otherwise. But I do think that the state can give public money in certain districts, on no other terms than some conscience clause; and I warn churchmen that most certainly Parliament will require such terms at least.

Nay more, churchmen should really open their eyes and see that the state is really yielding to them. It is allowing them, and even helping them, to have a denominational system of education—the very boon which they coveted. The state in this matter is refraining from doing its own work. It stands aside, it makes way for the Church. It now contents itself with saying, "Modify your old plan just so far as to render it possible for me, the state, to be quiescent, and lend you a helping hand. Do not force me to come forward and do the work in my own way." Why, if the Church were doing the work on a mere voluntary system, the state might say thus much. But the state is taking an ever-increasing interest, and an increasing share in education. And when I think of all the money which the state now gives and proffers to schools, I see no reason for dissatisfaction, but very much for gratitude, that the state, after much forbearance, contents itself with enforcing the just claim of the dissenting citizen and the dissenting parent. I can conceive, indeed, that the state, through evil men, or through unwise men, might propose measures which would drive churchmen to abandon resolutely all state aid and resort to a strictly voluntary system. Under such circumstances I hope churchmen would have the union and the vigour to act thus. I am far from recommending peace at all price. But quite sure am I that there is nothing in a well-framed conscience clause which would warrant churchmen in resorting to this extreme measure; a measure which would put a stop to so much good that is being done, and which is opposed to their own principles. It might indeed become a duty; it would now be a crime. Everything, then, concurs—the facts of the case in small parishes—consideration for our non-conforming fellow-countrymen—the just claim of a parent about his child,—deference and gratitude to the state,—all, I say, concur in inducing the National Society to modify its rules, and in leading churchmen to accept a conscience clause. And, though I have purposely refrained in this paper from all the weighty arguments connected with the future, yet, not least of all do I appeal to churchmen to receive a conscience clause, by all their hopes and by all their fears, respecting what that future may have in store.

The "Religious Difficulty" in Education. By the Rev. J. Oakley, M.A.

IN compliance with the implied invitation in the prospectus of this Congress, I have ventured to put on paper a few thoughts on the "Religious Difficulty in Education." I have no new theory to set forth, no telling array of facts to produce; but I am convinced that the time is come when some serious attention must be given to the subject, and when action of some sort must be taken, so I will make no further apology for attempting at least to start a discussion of it in this section. At the same time, I am so keenly alive to the danger which an influential member of this Association lately described to me as "oceans of talk and puddles of action," that I would not presume to occupy your time, if I were not prepared to make a definite suggestion which should at all events give a point to our discussion. I may fairly begin by denying the correctness of the title given to my subject. The "Religious Difficulty!" I mean no mere verbal quip in protesting sincerely that it is one of the most irreligious difficulties in the world. It is simply monstrous, it is a contradiction in terms that any difficulty should be opposed to the extension of elementary education in the name of religion—in the name, above all, of that religion whose history is the history of human education, in every sense of which the words are capable. I am anxious, indeed I intend, to keep clear in what I say of theological ground, properly so called, but if I seem to travel nearer to it (it will chiefly be in the way of quotation) than is commonly done in this Association, I must ask you to remember that it is not possible, even if I wished it, which I do not, for a minister of religion, in discussing what is *vi terminorum* a religious question, to avoid religious ideas and religious language. I repeat, then, as the keynote of my whole tone on this subject, that to give and receive and promote education, in the sense of mental instruction, is a part of our religion as Christians; a perfectly separable and distinguishable part, but still a part of what we believe in, of what we hold to be our duty. My present point is to maintain that, whatever difficulties may beset education, there can never be any truly and properly religious difficulties in its path, call them so who may: that whenever and wherever a so-called religion stops the way of education, it is not, and cannot be the real religion of Christ.

What then is the difficulty which confessedly stands in our way? It is this. Some good men, misled by the perversion of the doctrine I have laid down, that education is a religious duty, will not take part even in elementary education, unless they are free to inculcate their own theological doctrine. And this fact has been hitherto recognised by Parliament, and no opposition has been made to its action upon the distribution of the educational grant. Upon what is called the denominational system, each sect has been free to claim aid from the state on certain conditions, and to maintain a separate school of its own.

The Established Church has been theoretically a denomination like the rest, but practically a denomination with a difference; for she was known to be willing to receive, to be able to receive, and to receive many children of other denominations. The attempt to utilize this peculiarity, and to turn an act of grace into a stipulated arrangement, has produced the controversy with which we are presently to be occupied, that of the Conscience Clause.

From this liberty to claim state aid for the schools of every sect, as such, have arisen, on the one hand needless multiplication of schools, on the other unnecessary difficulty in founding and maintaining one of any sort; and with it, in the one case a waste of force and of funds, a rivalry where there should be unity and co-operation, and the perpetuation of the notion that education is the natural lever for sectarian proselytism instead of the natural corrective of narrowness of all sorts: and in the other case an obstacle *in limine* to the spread of education in any form whatever. To meet this difficulty there are but two courses open. It is possible to neutralise this rivalry, to reduce it to a *minimum*, in a word, to try a scheme of comprehension. This is attempted in the Conscience Clause. It is possible again to proscribe it, to ignore it, to drive it off the face of the educational field by refusing to recognise or even to allow any teaching of religion in state schools.

I venture to offer a few remarks upon each alternative. The details of the Conscience Clause controversy I avoid. But in the first place there are those who deny that the connection I have indicated exists at all, who maintain that denominational jealousies do not really retard education. I suspect that the same people would urge that nothing retards it, that our present educational machinery is perfect, and its working completely satisfactory. I shall not waste time by arguing that point here. In face of the facts that have been forced upon our notice of late, the revolting degradation disclosed in the photograph given us last winter of the London casual wards—rivalling the horrors of a Roman ergastulum—the astounding ignorance disclosed a year or so ago among the children of operatives in Sheffield, ignorance which I fear it would not be hard to match all the country over, which I know it would not be hard to match in London—the startling statement just put forth upon statistical evidence, by the London Diocesan Board of Education, that more than 150,000 children of age to be at school are not under education of any sort or denomination in London alone—to say nothing of the evidence of his own aimless mischief and stupid brutality which the London rough is always ready to afford, and never more ready than he has been this year—or the obvious proof which our police reports and prison statistics and expenditure give of the need for trying to break up our pauper criminal class; while the plain truth stares us in the face that it is becoming difficult even to recruit our army or to man our navy from the sheer and sordid dulness and degradation of the class from which the supply of men should be drawn, from their absolute incapacity of intelligent patriotic feeling, and their

instinctive sense of the incompatibility of their low and listless lives with the necessary discipline of any army—whereas, we have seen a neighbouring Protestant power that has been strong enough to overcome its "religious difficulty" in education, carrying all before it in the recent war by force of the mere intelligence and united feeling of its soldiers; in face, I say, of these facts, I need use no further argument here. But on the fact of denominational rivalry being in the way of education, let me set before you a sketch taken from life last week. It is a case of a parish which is owned by, and in which resides, a prominent nonconformist squire, who maintains a minister, a place of worship, and a school, in opposition—I only state the fact, I am not speaking of motive—to the Church. I had the advantage of seeing both the schools under the best auspices. In the church school I found barely thirty scholars altogether, boys girls and infants, under an uncertificated master—starved, in fact, by competition. In the dissenting school—a "British School"—more than ninety scholars, properly divided into two schools, under a certificated master and mistress, and one pupil teacher; yet, in spite of this superiority, far short of full efficiency. The population is just above 600. Both masters confessed to me that the rivalry was more than they could bear, and one of them added that the "waste of power" was incalculable. The squire acknowledged to me that his influence, together with certain allowances to the scholars, acted in the manner of a bribe to the parents, to make use of his school, that he regretted it, that he quite believed it to be a case in which only one school was needed, but that the establishment of such a school, with a Conscience Clause in the trust deed would be as unpalatable to the dissenting minister as to the parochial clergyman. However, I have reason to hope that the experiment will, in course of time be made.* That this is a typical instance of the need of it, no one will be disposed to question. It may be there are not many cases where the church schools are so heavily overweighted by the prestige of a nonconformist school, but every one knows that there is scarcely a parish in England, of any size, in which the same evil spirit of antagonism does not to some extent prevail. Can it be exorcised? Can it be laid to sleep? I answer at once,—try the Conscience Clause. There is a summary remedy in the back ground,—but try the Conscience Clause. I do not, I confess, shrink from that ulterior remedy, but I should like the milder measure to be tried first. I own that if it can be made to work, I would rather see the provision which is the rule of the British and Foreign Society retained in force in all schools in England which receive state aid, viz:—that

* The establishment of one school—a church school with a Conscience Clause—in this parish, would not, of course, now meet the case; nor would the Council Office sanction it if it were a matter of building a new school. A Conscience Clause in both schools is the only possible plan, and I should not despair of seeing it induce a fusion of them, which is the really right thing.

the reading of the bible be a rule of the school. I think that this provision, with the restrictions implied in the Conscience Clause, would carry the sympathy of the country, and secure a more certain parliamentary victory than could at present be counted on for a total abolition of religious teaching in our public elementary schools. That this must be insisted on if the Conscience Clause be not universally accepted and acted upon, I do not doubt for a single moment, for an uniform national system of some sort it is plain that the nation will soon insist on having. Of the practical effect of its abolition I will speak presently. Of the working of the rule of the British and Foreign Society, as it would practically stand under a universal Conscience Clause, I will ask leave to add an illustration drawn from the school already referred to. Argument goes for nothing with many without an illustration. And when one is met by vague declamation on the other side, it is necessary to come to the point. That the subject is a solemn one is no fault of mine. I put a case to the master of the British school, a highly intelligent man of ten or twelve years experience. "You know," I said, "that the great objection to the Conscience Clause, or to the rule of your school, is that you can only read the text of the bible, and not directly teach any doctrine. Now you must often have read with scholars the 3rd Chapter of St. John,—the Story of Nicodemus?" "Often," he said. "You know of course how it is used on the one hand to inculcate what is called baptismal regeneration, and on the other hand what is called sensible conversion?" "Perfectly." "Should you inculcate either?" "Certainly not. No one who knows what mere daubing on a rough surface all our teaching of such children is,"—this was his own most apt expression,—"would think of doing more than try to teach the most elementary truths, or dream of leading them to the higher points of theology, much less into controversy." He added earnestly, "But neither I nor any serious Christian could read that chapter with children and not speak of its plain meaning, that the heart of man requires a radical change."

The words used were his, not mine, and I put them before you as an excellent example of the way in which I believe that the plain meaning of scripture could and would be in most cases brought out in the very act of reading it and explaining the words, with nothing but advantage to the children, and certainly without any protest on the part of parents, if their parental authority be recognised and their right of interference reserved, in the terms of the Conscience Clause. I own that I should prefer this settlement of the difficulty to that of the absolute exclusion of religious teaching from our national *curriculum;* first, because I could not without some misgiving witness the absolute and entire divorce of secular learning from religious associations, (though, plainly, if religious people will not be reasonable on the subject, the whole point must be given up); secondly, because I believe that the retention of reading of the bible and consequent religious instruction in our schools by the master and mistress as well as by the clergyman, is a stronger

protest against, and a heavier blow at, the principle of sacerdotal dogmatism, and a worthier assertion of the unity of human life and interests, temporal and eternal, and the correlation of its parts, than the mere relegation of religious teaching to the church and the Sunday School, which is the only possible alternative; thirdly, because this scheme of a comprehensive school system, to include a comprehensive religious teaching, goes together in my own mind with a vision which I have not yet learnt to regard as a baseless fabric—the vision of a strong united comprehensive Established Church based on what is common to all Christians; shewing her faith by her works, reducing perhaps her sermons, multiplying certainly her schools and her other agencies of beneficence; falling back, in fact, on the practical example of her Founder, Who "went about doing good;" not of course without dissenters from it, any more than the adoption of the Conscience Clause would prevent a few managers from keeping up sectarian schools of their own, but strong enough, united enough, comprehensive enough to make the pretension of nationality more real than it was even when it was first made, rather less flagrantly inconsistent with facts than it now is. Be this as it may, free Church or established Church, it is plain that education must be free from the retarding influence of religious strife. There is but the simple choice. The principle of the Conscience Clause must be accepted, or education at the national expense must be confined entirely to secular subjects, and religion left to assert its own authority and importance out of school. I cannot look on this horn of the dilemma with complacency, but I do not shrink in the least from preferring it to the present exhibition of *odium theologicum* which we offer to our children in our schools, and to the waste of force, and time, and money which we expend upon it:—only to be paralleled, as it is, alas! exactly paralleled by the faithful and living reflection of our domestic dissensions and wasteful strife which our missionaries, Catholic and Protestant alike, carry with them to the ends of the earth to shew the colonists and heathen how these Christians hate and fight at home.

My first practical suggestion then is to earnestly beg and insist that the Conscience Clause be submitted to Parliament in some shape or other in the ensuing session. There have been speeches, letters, papers, pamphlets, articles enough. There has been complaint even from its opponents that it has not been discussed there. Thither let it be carried at once, and if its principle be affirmed and made obligatory on every school receiving parliamentary aid, I believe we shall be free from further controversy for the rest of our generation, and one long step nearer towards a realization of the hope of every patriot and every Christian, to see an educated and contented people in our land. If, which is hardly likely, the appeal to Parliament should fail, or this forecast of the working of the clause be falsified, there would be time enough to contemplate the adoption of the alternative, on which I still ask leave to say a few words.

How would the religious difficulty be affected by the absolute interdiction of religious teaching in our national schools? In spite of my

own predilection for its retention, I am constrained to admit that the said difficulty would be utterly annihilated. It is a question between moderation and total abstinence. Total abstinence would in this case, as in others, induce evils of its own. It would surrender the whole field of religious instruction to the clergy and the religious laity, mostly ladies; it would remove from the sphere of education much of that indefinable atmosphere of width and intelligence, and practicableness, and unconscious comprehensiveness with which religious instruction is surrounded when it is given in connection with the other subjects of education, at the same place and by the same men as impart these; it would be a final abandonment of all hope of comprehension in religion on a larger scale, for obviously if we cannot teach even children the first elements of faith and godliness without introducing topics of controversy, *a fortiori* the idea of keeping together their parents in a common bond of belief and worship is an impracticable dream.

The fact is, that the bitterest sectarians would soon become the warmest advocates of exclusively secular primary education, for the sake of the unbroken power of proselytizing that it would leave them. Our English idea of a national organization for moral and spiritual purposes, which has spent its three hundred years with some success, based as it is on an instinct far older than that, and which is even now attracting some attention and envy in the upheaval of the continental church, would have received its most damaging and probably its most fatal blow; for the Church which now exists to protest against them, and to counteract their disintegrating tendency, would have come to the level of the denominations, and free from the influence of large associations, and lay control, and political ties, would have to hold her own in the battle of the sects, biting and devouring one another. It is a prospect from which I own I shrink. I would catch at any means of staving it off, and I have already said that I believe an admirably satisfactory one is open to us; but failing this, and in the last resort, it is plain that the abolition of religious teaching in our schools, would at least be effectual in extinguishing religious strife inside if not outside them. And I must acknowledge its advantages, besides warning its resolute and unreflecting adversaries of the growing strength with which the demand for its adoption is being made.

I give you an instance of this, in an extract from a letter I have just received from the master of a first-class grammar school, who is wont to talk certain commonplaces against reform of all sorts, and who apologises for his "wretched optimism" in this very letter. Yet he writes, "I trust you will convert them to any view, however radical, in which universally compulsory, absolutely non-religious primary instruction is a main feature." This is pretty well from an optimist and a conservative, but I believe it to express the deliberate conviction of a growing number of intelligent persons in Church and in State. The system, of course, to which the above extract points, is more or less that which has produced such surprising results in America. Of

its working there I am sorry that my knowledge is very indirect and slender; but I would advise all who have an interest in education, and care to acquire information about it, to read a most striking account of the American system, in the *Revue des Deux Mondes* for November 15, 1865; and, I may now add, the truly admirable and instructive address of the President* of our section this morning. Its principles are that it is compulsory, that it is therefore gratuitous, that it is therefore maintained at the public cost, in that instance by a remarkable system of endowment in land, which, in our case, must take the form of an education rate; and that it is, as a further necessary consequence, absolutely non-religious. It is this latter feature alone which concerns us now. The advantages of it in relation to the religious difficulty are obvious. Aimless but uncompromising opposition, groundless but sincere suspicion, rivalry, waste, the endless controversy about clerical control, all these evils and bugbears disappear. The teaching power is concentrated on its proper object, the communication of the rudiments of all knowledge, and the habit of genuine study. Moreover, and this is a point for the serious consideration of the clergy, it leaves room and creates a necessity for habitual catechising and instruction of the young by them either in or out of church, and it gives a reality to the Sunday school teaching, which in the Church of England, at all events, it frequently does not possess. Much is to be said for these advantages. I remember seeing, this last spring, at Caen in Normandy, a priest catechising, with great good sense, a large class of rough French children in the aisle of the noble church of St. Jean, between six and seven o'clock in the evening, and my mind at once reverted to the children playing "hop scotch" and "chuck farthing" in the slums of my own parish, and I wished that our educational system included a habit of using some of the dismal barns, which we still call churches in England, in so living a style and for so practical a purpose on week days. I may as well also refer you, at this point, to the practice of the French middle class public schools, one of which I carefully inquired into and inspected in Caen, the *lycée* or college of which town is reputed one of the best in France. I hardly know whether to say that it is an illustration of the Conscience Clause system, or of the separation of secular and religious instruction in schools. The principles of the Conscience Clause, deference to the will of parents, an equal respect for all creeds, are of course its motives. But the practical effect, as you will see in the main, is to completely keep apart the instruction,—which is indeed only what is necessary anywhere and everywhere, though it may suit some persons to deny the possibility of doing so. The following is an extract from the prospectus, which has a direct bearing on our present discussion. The various departments of study are headed, "First, Religion." So there is no idea of ignoring or in any way depreciating it. I subjoin

* The Right Hon. H. A. Bruce, M.P., Ex-Vice-President of the Committee of Council on Education.

the paragraph relating to it:—"Religious instruction is obligatory for all the boarders, to whatever class they belong. At the beginning of the year the day scholars whose parents desire it are admitted to the courses of religious instruction. These religious courses are thenceforward obligatory upon them. Independently of the religious instruction given to the boarders and day scholars together, the chaplain gives to the boarders regular instruction in the chapel of the college (*lycée*). The boarders who belong to the various reformed churches are taken to their own chapel to assist at the service conducted by the French or the English minister (as the case may be). A clergyman comes, moreover, every Thursday to give instruction at the college." It is obvious that these arrangements, while they give a great and even an unusual prominence to the religious teaching in the college, also, in effect, put a broad line between it and the other branches of education by conducting it for the most part in the chapel. And in proportion to the value which is put upon definite religious instruction in our schools will surely be the preference for this solemn and authoritative method of imparting it over the slip-shod sermonising of half-educated teachers which often does duty for a Bible class in our parochial schools. Moreover, such a system supplies a definite duty to the clergyman at fixed times and in an appointed place, which is far better than the vague and too often nominal superintendence which he is now supposed to exercise. I need hardly confess that I feel my own reasons for the separation of religious teaching from the rest in our schools to be solid, and my reasons for not separating them to be somewhat ideal; still I repeat, if I may presume to sum up what I have already said at too great length, that I would with all deference advise those who wish to improve and extend elementary education, to confine themselves at present to dealing such a blow at the sectarianism in our schools as is struck by the Conscience Clause. The public mind is not sufficiently informed to take in the arguments for the wider plan; it is not yet alive enough to the importance of it to learn the meaning of them quickly. It can comprehend the plain plea for toleration and parental authority. The Conscience Clause may be a temporary measure, a provision in the nature of a compromise. Universally enforced and frankly acted on, it would, I believe, give an enormous impulse to our educational progress, and last us for many a long year, without exposing us to the united outcry of 10,000 clergymen, the fright of the religious public, and the wrath of the religious press, which would greet the proposal of the purely secular system. Let the principle of the Conscience Clause be submitted to Parliament next session by some independent member, if the government decline. There can be no cabinet opposition to it, it is plain, for several of its leading members are committed to its principle. It may possibly serve as the final touchstone to test the harmony of the present House of Commons with the more earnest mood of the nation. But failing this appeal, or if the Conscience Clause should fail, then I urge, without a moment's hesitation, that the friends of education thenceforth insist that the state shall drop all

recognition of religious teaching in our schools, shall reject all attempts at compromise whatever, shall carry out with a firm hand a compulsory, if need be, to that extent a gratuitous, and a wholly non-religious system of primary instruction, in the schools supported directly or indirectly by the taxation of the people.

THE HALF-TIME SYSTEM.

The Half-Time System in Schools. By the Rev. W. N. Molesworth, M.A.

I HAVE prepared this paper at the suggestion and by the request of Mr. Edwin Chadwick, whom I had the advantage of accompanying in the course of a careful and laborious inquiry which he was engaged in making into the condition of the half-time schools in the neighbourhood of Rochdale. I need not say that he brought to that inquiry not only the care and accuracy which a long experience in the conduct of such investigations has produced, but what was of far higher importance, that thoughtful originality and clear philosophical insight by which he is pre-eminently distinguished. The evidence adduced on that occasion led to the following conclusions, which all my subsequent observation has tended to confirm :—

1.—That a master can completely exhaust the attention of the children under his care in less than three hours, even with intervals of repose.

2.—That a manual and industrial occupation gives a great advantage to a child in the acquirement of knowledge.

3.—That the half-time system has caused the children of these districts to receive an education which they would not otherwise have obtained.

4.—That, as a general rule, the half-time schools afford a much better education than is obtained at middle-class schools for 1s., 1s. 6d., or even 2s. a week.

5.—That the introduction of the military and naval drill into all schools aided by the state, is highly desirable.

These propositions I shall now endeavour to prove and illustrate as briefly as possible.

I. Our first conclusion was, that a master can completely exhaust the attention of the children under his care in less than three hours, even with intervals of repose. I need hardly insist on the importance of this question. It is a well-known physiological law that over-exertion in childhood produces permanent bad results; that physical over-exertion produces chronic bodily prostration, and that mental over-work is followed by permanent intellectual debility. There is

probably no one who now listens to me who cannot in the circle of his own acquaintance point to some one or more individuals who have suffered through life from having over-wrought their brains at school or at college; and I believe that many instances of physical and mental infirmity which seem inexplicable may be traced to this cause. As the primary object of intellectual education is to strengthen the mind, it is the first duty of the educator to avoid everything that tends to weaken it, and therefore we should be very careful not to push our instructions so far that their result should be injurious rather than beneficial. It is, then, quite clear that if we carry our instructions habitually up to, and still worse if we carry them beyond, the limits of profitable attention, we are not simply wasting the time of the master and the pupil, but we are inflicting a positive injury on the latter, because we are mentally over-tasking him and producing all those evil effects which are certain to follow from mental over-work. The question of the amount of intellectual work which boys can perform is a question which depends on their age, and a variety of other circumstances, and which can only be settled by the observation and experience of those who have had a large number of children under their care, and therefore I will quote the evidence on this subject of masters whose experience and intelligence furnished the best guarantee of the correctness of their observations. Mr. Joshua Bolton, head master of a factory school at Bradford, Yorkshire, attended by 490 boys and girls, states that it is not only his own opinion, but the common opinion of school teachers, that school time in such schools is much wasted in the afternoon, and that attention cannot be sustained after the first hour. Mr. Joseph Lang, master of the Manchester Model Factory School, Bradford, says, "it would be of much advantage if the afternoon hours, at least of book instruction, were reduced." Mr. Curtis, master of the British School, Rochdale, after nineteen years' experience in that school, confirms the statement of Mr. Bolton. Mr. James Wrigley, who had then been for fourteen years master of the parochial school at Rochdale, at which there was an attendance of 720 children, of whom 158 were girls, and who had had under his tuition between 7,000 and 8,000 scholars, testified that he was really at the limits of profitable attention with two hours and a third, but considered that he did keep up attention during that time. From my own knowledge of Mr. Wrigley, I can bear witness to the extraordinary power he possesses of keeping alive the attention of children; but this result was attained by the putting forth on his part of enormous mental and physical exertion, and therefore if he reached the limit of profitable attention in two hours and twenty minutes, a less energetic and painstaking teacher would probably much sooner attain it, or rather would maintain a feebler and more diluted attention during the same period. Mr. Stott, the pupil and able successor of Mr. Wrigley, thinks that three hours' school-time in the morning are not too much, but that in the afternoon they most decidedly are. On this point he speaks very confidently. Mr. Lord, the head master of a school averaging 230 scholars, states

very clearly and confidently not only his opinion, but that of several other schoolmasters with whom he has conversed on the subject, to be "that any master may keep up the attention for two and a half hours with the higher classes of scholars by having short lessons and frequent changes of subject. With long-time children two hours in the morning and one in the afternoon would exhaust the power of voluntary attention."

Many teachers think that they keep up attention for a much longer period, but I have invariably found that a little cross-examination brought them to admit the substantial correctness of our conclusions. For instance, Mr. Oldham, the master of my own school, a very diligent, able, and intelligent teacher, was strongly disposed to contend that he sustained the attention of his children during nearly the whole of school time, which extends to six hours in the summer, and five hours and a half in the winter. But I drew from him the following admission—that from the whole school time we must deduct forty minutes spent in prayer and in the calling of the roll; fifteen minutes in the reading of the Bible, twenty minutes in examination for home work, thirty minutes devoted to writing, recreation forty minutes, fifteen minutes occupied in changing lesson books, places of classes, etc.; thus, from the six summer hours of school work we must deduct two hours and forty minutes devoted to purposes which do not tax the attention of the children at all, or which tax it very lightly indeed; and thus we have a remainder left of three hours and twenty minutes, and it is fully admitted that attention cannot be maintained during the whole of those hours.

I dare say it will occur to many that the operations just referred to might be gone through in a much shorter time than I have just mentioned, and my hearers may perhaps be disposed to blame the master for not going through them more rapidly. I cannot join in this censure. As things now are, they could not be performed in a much shorter time, and I think he is perfectly right, under existing circumstances, not to hurry them over. In the present unenlightened state of public opinion on the subject, the hours cannot be shortened, and it is much better that these operations should be gone through deliberately than that the brains of the children should be permanently debilitated by an attempt to tax their attention too long. When physiological science has been more widely diffused, when public opinion will admit of the shortening of the school hours, when the introduction of the military drill has made all movements more easy and rapid, the time devoted to these operations will be greatly diminished. Of course I do not deny that the faculty of attention, like every other mental faculty, may be cultivated and improved; and that so in the upper classes of our public schools attention may be kept up without danger of injury for a longer period; but we have to do with factory schools, in which this faculty has not been very highly developed, and in which the children rarely remain beyond the twelfth year of their age.

I think that the evidence adduced establishes the fact that, leaving

out individual exceptions, the limit of profitable attention is reached in little more than two hours; and that which is not profitable is injurious, and often permanently injurious.

II. The next proposition that appeared to me to be established by our investigations was that a manual and industrial occupation gives a great advantage to a child in the acquirement of knowledge. To my mind this proposition seems almost axiomatic. It appears to me that the concentration of the child's mind on the particular detail in which he is engaged, the perception he must have of the connection of that detail with the whole of the business of which it forms a part, the communication into which he is brought with persons older and more experienced than himself in connection with his work, must tend strongly to sharpen and develop his understanding, and must be of great service to him in the performance of his lessons. In short, I should expect beforehand to find that, all things being equal, his occupation would enable him to make as much progress in three hours as other scholars would in five hours and a half. Let us now see how far these expectations are confirmed by the evidence before us. There is one circumstance that is rather unfavourable to the institution of such a comparison as I propose to make, which is, that in most of the schools attended by factory children, the full-timers are generally drawn from a higher class than the half-timers, being for the most part children of small shopkeepers, overlookers, etc., and therefore, as a rule, under much better home influences than the others, which is, of course, a matter of very great educational importance. Nevertheless, the testimony in favour of the intellectual superiority of half-timers is strong and decisive.

Mr. George Turner, head master of the National School, Queenshead, Halifax, says:—"It is commonly believed here, though apparently paradoxical, that the short-timers learn as much as the day scholars." Mr. William Brantor, National Schools, Keighley, Yorkshire, says:—"In general the short-timers are superior in attainments in the higher classes." Mr. George Marsden, head master of the school of Mr. T. Bazley, estimates the attainments of the half-timers at about five to seven as compared with that of the full day scholars. Mr. James Amos, head master of the Ancoats Lyceum School, Manchester, states the following conclusive facts:—"I find that the half-timers are more intelligent and capable of learning, and that relatively they attain a higher standard in the subjects taught. Four out of eight pupil teachers who are at present teaching have been half-timers, and one who had gained a high position on a Queen's scholarship examination list, had been a half-timer. One of the half-timers ranks quite in the first class as a teacher. The half-time scholars are more orderly and more easily managed than the day scholars, and by coming fresh from work in the afternoon we can better secure their attention. I have a decided opinion that the admixture of industrial occupation tends to make the scholars industrious in the school. The half-time scholars do not trifle or waste their time so much as the day scholars. The half-timers set to their writing or their lessons with greater earnest-

ness, and with more business-like qualities." Mr. James Davenport, a machine maker in Rochdale, employing between 500 and 600 workmen, says:—"In my experience as an employer, the short-time scholars are decidedly preferable to the full-time scholars, or those who have been extensively occupied in book instruction. I find the boys who have had the half-time industrial training, who have been employed by us as clerks or otherwise, better and more apt to business than those who had only the usual school teaching of persons of the middle class, and who came to us with premiums. In fact, we have declined to take any more of that class, though they offer premiums. They give too much trouble and require too much attention."

III. The next conclusion to which the evidence which came before me leads is that the half-time system has caused the children of these districts to receive an education which they certainly would not have obtained if long school hours had been required. No stronger proof of this proposition can be given than the fact, which has been stated to me by several schoolmasters, that the closing of a factory for any time is invariably followed by the withdrawal of almost the whole, if not absolutely the whole, of the half-timers attending the school from that factory, and that, however long the interval may be, they are sure not to appear in the school again until they are obliged to return in order to obtain employment.

Another fact that proves the same thing is the superior number of educated persons and the superior mental culture of those persons who are employed in factories, as compared with colliers, agriculturists, machine makers, and workmen in other businesses to which the half-time system has not been applied. And yet the last mentioned business is one which is far more calculated to exercise and develop the mind than the work of a factory. Nevertheless, it is a notorious fact that those who labour in it are, as a class, far less intelligent, far more intemperate, have less self-control and self-respect, and are much more difficult to manage than the factory hands. Witness the strikes formerly so common in the cotton and woollen trades, but now almost entirely confined to employments to which the half-time system has not been extended. If these things are so—and I would submit that they cannot be denied—then it follows that it is highly desirable that the half-time system should be introduced into all other trades and occupations to which it is by possibility applicable, and as speedily as possible.

IV. Another fact that was clearly elicited in the course of our inquiries was, that as a general rule the half-time schools afford a much better education for 2*d.* and 4*d.* a week than is obtained by the middle-class for 1*s.*, 1*s.* 6*d.*, or even 2*s.* a week. On this point Mr. Oldham, to whom I have already referred, gives this testimony:—"My experience generally is, that children who come to my school after having attended a middle-class school are very inferior to our own children in reading, writing, spelling, arithmetic, and the other subjects which form a part of our routine; probably they have some knowledge of Latin and other

branches of instruction which we do not profess to teach, but of their proficiency in these respects I, of course, have no knowledge." Similar testimony was given in conversation by most of the masters whose schools I have visited in company with Mr. Chadwick; but as this was not a point to which his investigations were specially directed, it did not form part of their printed evidence. It must be quite evident that no knowledge of such subjects as Latin and other languages can atone for the want of instruction in the elementary subjects to which I have just referred. It may perhaps be thought that the Oxford and Cambridge examinations may have done much towards removing the state of things I have described. Mr. Oldham's evidence, obtained within the few last weeks, leads to a contrary conclusion; so does the evidence recently given before the Public School Commissioners, in which master after master testified to the want of preparation in the respects just mentioned of children admitted into public schools from middle-class schools, and ascribed much of the ignorance which was shown by their pupils to the fact that they had not been properly instructed in those elementary branches of knowledge which the masters of a public school expect to find communicated to their scholars before they come into their hands. That the university local examinations have raised the character of instruction given in our middle-class schools I do not dispute. But they have sometimes tempted masters to concentrate their attention on such of their pupils as are likely to distinguish themselves in the examinations, and comparatively to neglect those who are not; and I believe that the elementary teaching of the middle-class schools has not yet risen to the level of the half-time school standard. Be this, however, as it may, the masters whose schools I visited in company with Mr. Chadwick testified, almost without exception, to the inferiority of the preparation of boys coming to them from middle-class schools in the most elementary, and therefore the most essential, branches of knowledge.

V. But on no point was there more unanimity or a more hearty response to our inquiries than on the subject of the introduction of the military drill. Mr. Chadwick has since that period succeeded in some degree in drawing the attention of the public to the importance of the question; but at that period it was a new idea, and made a great impression.

Before referring to the evidence given, let me say a few words with regard to the importance of the subject. In order to see its effects on the individual, we have only to compare the drilled with the undrilled man. The contrast between Hyperion and the Satyr is not more striking than that between the country bumpkin and the firm, erect, respectful, and self-respecting carriage and demeanour of the same person after he has been thoroughly disciplined by the military drill. Nor is the gain confined to the exterior, for in virtue of that mysterious correlation which exists between the body and the mind, the erect bearing of the body betokens, and even to a certain extent promotes intellectual correctness and moral uprightness. If, again, we look at the social bearings of the question, we, of course,

must admit that the elevation of individuals involves the elevation of the society of which those individuals are the component units. Besides, in many of our industrial operations, the combination of many workers in effecting the same object is more and more required, and in such cases that power of acting in masses which the military drills confers is found to be invaluable. The discipline and order which prevail in military operations require also to be introduced into our civil operations, and the want of them is more and more felt. In an undrilled population the employers of labour look in vain for men who know how to command or how to obey—men who can combine firmness with gentleness on the one hand, and obedience with freedom on the other—men who practically, and we may say almost instinctively, feel what is due to themselves and what is due to others, and know how to exact the one and accord the other. But above all, in a national point of view, the drill would be highly valuable. Look at the sums which have been spent, look at the sums which have been wasted, in defensive precautions against invasion. If the children of all our schools were all well drilled we should have a population, the whole of which would be able, if requisite, to take up arms in defence of their country, and who, having been drilled from their earliest years, would make better soldiers than those who had been drilled at a later period of their lives. What enemy would think of invading this country if we could, in case of need, pour down an army of three or four millions of men to aid the regular troops at any point that might be menaced? As for the danger of the power thus conferred being used against the institutions of the country, we have learned little indeed during the last few years if we do not know that the ever-increasing attachment which the people have during those years manifested to those institutions, is based on a feeling of their value, and that as long as those institutions continue to be improved, so long will that attachment continue to increase, and so long will the arms of the people be employed for their defence and support, rather than for their injury and destruction. Few things, I am convinced, would more strongly tend to make our operatives good and useful members of society, or to foster their attachment to our laws and institutions—few things would more effectually promote attachment to the Sovereign or give security to the country—than the introduction of the military or naval drill into all schools aided by the State.

These views receive ample confirmation from the evidence to which I have alluded, and I need only refer my hearers to that evidence in order that they may satisfy themselves on this point. I cannot better summarise it, than by quoting the words of Mr. Chadwick, who has devoted so much time and labour to the investigation of the question, and to the endeavour to draw the attention of the government and the public to its surpassing importance:—"The subject may be considered with exclusive reference either, (1) to the future personal welfare of the individual pupil, on the assumption that his future career will be entirely in civil life; or,

(2) to the interests of the nation. In regard to the first topic, the welfare of the pupil in civil life, the case may be established by practical evidence on these special grounds :—Educational. That it is proved, on the experience of what is called the half-time system, and of well-conducted schools where the drill is already introduced in combination with industrial training, that the tuition during the reduced hours of book instruction is at least as effective as in schools where the full time is exclusively occupied in book instruction. That it is proved that the time of sedentary occupation in schools is generally prolonged beyond the capacity of the pupils for profitable attention, and that, with a view to their mental, as well as bodily improvement, that time must be reduced. That for occupation of the time taken from book instruction, systematised drill should be introduced, on these several grounds : *a.* Sanitary : That the drill is good (and for defective constitutions requisite) for correction of congenital bodily defects and taints, with which the young of a very large proportion of the population, especially the young of the poorer town population, are affected; and that for these purposes the climbing of masts, and other operations of the naval drill, and swimming, are valuable additions to the gymnastic exercises of the military drill, and when properly taught are greatly liked by boys. *b.* Moral : That the systematised drill gives an early initiation to all that is implied in the term discipline, viz : duty, order, obedience to command, self-restraint, punctuality, patience. *c.* Economical : that it is proved, when properly conducted, by making the joints supple, rendering the action prompt as well as easy, by giving promptitude in concurrent and punctual action with others, to add, at a trifling expense, to the efficiency and productive value of the pupils, as labourers or as foremen in after life.

"On the second chief topic, as regards the interests of the nation: that the general introduction of the drill is called for, and will be of the same use as it was of old, in the parochial training to the use of the bow, and on practical evidence of officers engaged in the drill, it is proved—That the military and naval drill is more effectively and permanently taught in the infantile and juvenile stages than in the adolescent or adult stages. That at school it may be taught most economically, as not interfering with productive labour, and that thirty or forty boys may be taught the naval and military drill at 1½*d.* per week per head, as cheaply as one man, and the whole juvenile population may be drilled completely in the juvenile stage, as economically as the small part of it now taught imperfectly on recruiting are in the adult stage; and that for teaching the drill, the services of retired drill serjeants, and naval as well as military officers and pensioners, may be had economically in every part of the country. That the middle and higher class schools should have, in addition to the foot drill, the cavalry drill, which the parents of that class of pupils may afford. That the drill, when made generally prevalent will eventually (without superseding) accomplish, in a wider

and better manner, the object of volunteer corps and of yeomanry, which, as interrupting productive occupations, now becoming more absorbing, is highly expensive, rendering all volunteer forces dependent on fitful zeal, and eventually comparatively ineffective. That the juvenile drill, if made general, will accomplish better the objects even of the militia. That the juvenile drill will abate diffidence in military efficiency, and will spread a wide predisposition to a better order of recruitment for the public service; will tend to the improvement of the ranks of the regular force, whether naval or military, and will produce an immensely stronger and cheaper defensive force than by the means at present in use or in public view. And, finally, that the means of producing this defensive force, instead of being an expense, will be a gain to the productive power and value of the labour of the country."

THE UNIVERSITIES.

Oxford Extension. By the Rev. James Rumsey, M.A.

TO bring a subject of apparently so local an interest and so privileged an adjudication as "Oxford Extension" before a Department of an Association so large in its range as this, might require some special excuse and apology, were it not that the whole object and intent of my paper will be to show that the extension of the university is a matter of national interest, and that the local and narrow aspect which has been generally taken of it is the main and fatal cause of the failure hitherto of all attempts to promote the real extension which we desire.

The object of extension has been implicitly assumed to be one to benefit only certain classes, or to serve the ends of only one vocation —I mean especially the education of the clergy. When, at an important meeting, touching one special scheme for Oxford extension, held last year, some speakers, eminent in literature and science, were pressing for such an enlargement and modification of the collegiate system as would benefit men preparing for the law and medicine; a reply was heard—"We want more clergy; we don't want more attorneys and apothecaries!"

The remark had some place in reference to a scheme then before that meeting, but no place whatsoever in reference to Oxford extension. The work of Oxford is not the mere production of clergy or professional men solely, but the training of Englishmen—men of business, public men, no less than others.

The heart of Oxford is for England, as is her mission. England can help her now to do her work; the demand will evoke supply.

And I know not what fitter place to speak of Oxford extension for

England, than before such a concentration of the mind and intelligence of England, as this Association in Manchester now presents.

The extension of Oxford is nothing less than its adaptation to the purposes of national education—an education acting directly on the civilising caste, indirectly upon all. And any view of Oxford which allows a final satisfaction in a narrower work than this, is unworthy both of Oxford and of England.

I. I will speak first of the two limitations and narrowed aspects of Oxford extension which have hitherto impeded and vitiated the free and full facing of the question; and I do so, not because of their concentration on a special phase of extension (for this is a practical thing), but because the concentration has been such an one as to exclude that general estimate of the office of Oxford, which estimate is indispensable to the extension she requires.

(1.) It has been too much regarded as a question of education of clergy; and here, without denying the need existing for a much more special training towards their office and work than has often been the case, I yet may fearlessly say that this special training is a very distinct thing from placing them for four years before ordination under an isolated social and educational system. It is more than possible that if our priesthood were ever to come to be so narrowly and so exclusively reared as would be the case if they came to be gathered into a separate college or hall for clerical training, they would lose the very discipline which should mark off an English priest as essentially fitted for his work and life as a citizen—a narrowness would result in his view and habit, which would by no means imply or guarantee a higher sanctity in the pursuit of his calling, but one which might render him less, instead of more able to cope with the difficulties which a minister must meet, and less able to understand and even to sympathise with those fellowmen to whose benefit he devotes his life. And these remarks, while they do not at all ignore many possible advantages to be secured by the institution of clerical colleges or halls, yet may show that even the purpose which they aim at is not so surely thus attained as to warrant the foundation of such institutions being held to satisfy, even for a time, the demand for and aims of university extension.

(2.) But a second frequent and often unconscious limitation of Oxford extension is of a very different kind, although accidentally coincident. You will, I am sure, bear me witness, that whenever extension is mentioned, almost instinctively the hearer thinks of some cheapening, some lowering of cost, some accommodation to very limited incomes, and, generally speaking, the result is the birth of some scheme of an eleemosynary nature, and what is, in fact, the institution of poor men's halls, frugal mens' halls, cheap colleges, and the like.

Long experience (an experience of more than twenty years' residence in and observation of Oxford, including a residence as an independent M.A. in three different societies) leads me to doubt the expediency and final well working of a poor man's college in Oxford.

It is an artificial and an ostentatious expedient. It will defeat its own ends, and check rather than fulfil real Oxford extension. The labelled "frugal" man will not be in a fair position, and the pauperised will often not be the poor. Artificial distinctions often do more than transitory and superficial harm, and they sooner or later bring their own Nemesis.

But the object aimed at by such institutions is as important and good as the means are, I think, questionable; and it will be my business, in the course of this paper, to suggest an alternative for the means I have ventured to question.

II. But having now spoken of the mode in which the consideration of Oxford extension has of late been habitually narrowed, I have now to enter upon the subject itself, and to say plainly why Oxford is yet so far from fulfilling its office to England as it is; in other words, why we number by hundreds instead of, as once, by thousands.

Oxford, it is undeniable, has now a wealth of educational force, such as, perhaps, it never before had. It has now a variety and range in its resources hitherto unsupplied. Why, then, while population has doubled, and when money is at command for money's worth, why are the numbers of Oxford what they are? Why are not more young Englishmen brought within the range of Oxford education and discipline, and into contact with, and under influence of, one of the most remarkable professoriates in Europe?

You will find that I am right in saying, that there are three causes which deter fathers and guardians from sending their sons and wards to Oxford.

i. Oxford is full. There is no room. The colleges have some of them their lists overcharged for three or four years. The halls, even as a general rule, are full; some to overflowing.

ii. Oxford expense is vague and indefinite.

iii. Oxford education is rather a social luxury than an education proper.

To remove these objections is to extend Oxford. I will take them in order.

In order to meet the first difficulty, it has been proposed to open a system of licensed lodgings, and to have young men scattered over the face of the city, under some form of university police; members, indeed, of the university, but mere nominal members of a college.

But, since the advantages of Oxford are twofold, (1.) its university privileges; (2.) its collegiate life; I say, no extension of one without the other is what we need: and that, since a hundred men can live better together than separately; since nine out of every twelve lads need something more than license to attend professors' lectures; and since not three out of every twelve young men would be advantaged by being left to a mere lodging-house system in Oxford, this remedy is not the remedy required.

We want the community of college life in its true form, but we want it also accommodated to our present social condition. We want men to be received at Oxford into institutions, giving them all the

benefit both of collegiate and of university life; and this without labelling, without artificial distinction marking them off from the other students, without any ostentation of forced (and often false) frugality, but, which is far more to the purpose, with a certainty that they shall neither be overcharged nor neglected.

In this, as in so many other cases, to break down monopoly is the true charity—to allow full and fair play for the working of the great law of supply and demand is the true justice—and justice the true generosity.

Now surely twenty weeks' term-keeping in a year need not be very costly. Residence for half-a-year, or even longer, under a common roof, with good tutorial supervision, need not be so expensive as to necessitate the alternative of either going to a poor man's college or being liable to needless expensiveness, if not overcharge, elsewhere.

I am very far from admitting that there is now at Oxford any room for very serious complaint against college expenses—*i.e.*, the necessary expenses—although I may admit at times a degree of vagueness and indefiniteness which I think worse than costliness. Still, I am on this occasion freed from the duty of eulogising as they deserve the excellent arrangements now existing in so many colleges and halls, because, as they are full, our question is not what are the merits of existing, but what are the desired conditions of new institutions.

And here I say, use freely the experience which the managers of good boarding-houses and clubs have brought elsewhere to bear, to effect a real and not a mere labelled or stilted economy. What can be done sensibly and righteously elsewhere can be done at Oxford, if the same machinery be used.

But, be it remembered, the real costliness of Oxford lies not so much in the recognised college expenses as in the habits of conventional and often absurd expenditure in the private and social life of the "men." And the cure for this is not the institution of a caste or distinctive class of "poor students."

Personal influence, the thorough living-together of seniors and juniors, must do much more than it has before this evil can be corrected, and this very mainly in the discouragement and prevention of debt. Also a true regimental mess system, *mutatis mutandis*, may be invoked with advantage, and, skilfully adapted, may bear both on habits of economy and not less towards a truer refinement and civilization in the social life.

III. I come now to the third and last cause which deters parents and guardians from sending their sons or wards to Oxford, and this brings me from financial and domestic matters to those which are strictly educational.

The objection existing is this—"After all, Oxford education is but a 'social luxury,' and gives no *quid pro quo*. 'Time is money,' says the father; 'show me that my lad will be a better or abler man, and he shall come to you.'"

The professoriate of Oxford is at this present time one accommo-

dated to meet the training of men for almost every calling in life. But in order to utilise the professoriate, the one "missing link" must be supplied which shall bind together the tutorial and professorial action. This has hitherto been wanting—this is the great desideratum.

A number of sub-professors will not do it; tutorial influence must be personal and intramural; and the young men must be held and kept in contact with the professoriate. The tuition in our new institutions must shape itself to this end, and the method is as follows:—

1. Expert teachers, teachers apt to teach in each several faculty, men who have made teaching their art and success, men chosen and fetched from whatever body or place in England, within or without the university, should be employed; men to be approved in each department or even selected and recommended by professors—these are the agents for this work, if we ever mean to utilise the professors' lectures, and to dovetail our collegiate into our university system. And

2. (Which is no less important), in the direction of the education, in the allotment and distribution of pupils to teachers, we must aim not at the mere fulfilling of a college or university routine, but at the development of the very various capacities and the several mental life of the students, in a word, at the farming them intellectually to the best account. To do this well, men must make education their work, their art. None, who for whatsoever reason, do not do this, can ever attain either the "diagnosis" or skill requisite for great success in what is one of the very highest and rarest arts, but which by a popular delusion or barbaric tradition has been too often assumed to be within any man's powers who happens to have "read his subject," or taken a class, and who has for a while nothing else to do but to teach.

In education in England, we have too generally neglected the study of vocation; and by a set uniform routine produced artificial stupidity, rather than expanded mental life.

A lad who could never become a classical philologer, may, if rightly handled, be, if not an eminent, at least a sound student of history or law; the brain which will tell best on abstract mathematical work, may be met with side by side with one whose sphere can only be in art, or, perhaps, in mechanics proper. And no undiscerning routine can here meet what is meant by education.

Let me ask you not to lose the breadth of this general view if for the sake of illustration I take one particular instance to show what I mean. Out of a hundred students, I may find some dozen young men who will if properly handled make real progress in physiology and chemistry. I would have them, from the very first, kept in contact with the lectures of such men as a Rolleston or a Brodie, by means of an expert intramural teacher, whose business it is to utilise the professors' lectures, and make the students profitable attendants at these courses.

I would not leave the physiology and chemistry until the close of

the academical career, nor leave the young men unassisted in their work with professors. The minimum of classics required for degree must be thoroughly done. It is our best gymnastic for all other work; and if schoolmasters will do their duty and not throw on us their work, this need cause no insurmountable obstacle.

Nor can I refrain from deploring how often, both in school and after, care is taken, system is adapted, teaching is focussed and concentrated on "show cases" for competitive examination, while the average mind is neglected, the slower developments unheeded, who may yet afterwards often do, even in mental history, the greater work.

I now sum up. Let room be given in new institutions, in Oxford, for young men in any numbers to be admitted, not left to wander and cater among the lodging-letters of the city, not forced into a distinctive class, but domiciled where they can have the civilisation of a true *cœnobium*, and have full and free play to use their own pecuniary means to good advantage, secured against a badly-managed commissariat, certain to have their money's worth for their money, enabled and encouraged to use their own voluntary, not forced economy, with profit if they will; and all this, without labelling them as poor students, model students, frugals, and the like. Let them then be supplied with efficient and skilled tutorial supervision, and Oxford, free from artificial drawbacks, will double her numbers. Men who love England and love Oxford, desire and will work for this end.

The memorial college, which is now in contemplation in honour of a name dear to the firesides in Christian England, will do much, doubtless. But it is far from all we require, for extension must be free and self-supporting. Endowments are sooner or later the subjects of spoliation and misuse. True extension needs not artificial and forced sustentation.

A provision exists, at present unused but formerly sanctioned, which points out our immediate practical method. Any member or members of convocation, of whose character and ability there is no reasonable doubt, may by statute obtain the license of the university to open a place of reception.

What is nominally a "Private Hall" should be "private" in nothing but this, that it is governed and guided by men unendowed and unfettered, men whose work and success is the condition of their post, men who are there not as members of a corporate society of which education is but an accidental accessory secondary object, but also are there for the sole purpose of education. And be the places of reception called what you will, "Clubs," "Halls," "Houses," "Colleges," it is the reality and excellence of their work which will soon win them prestige. Some of our most distinguished colleges have borne at one time the name of hall (there is a "House" even now not unknown), and they have been developments of perhaps one single energetic worker, one devoted life.

In order to provide bases of operation, let, if you please, even Joint Stock Companies come in to meet fairly the emergency; and

let them charter houses capable of extension, as readily as, in other places, they have chartered ships or hotels. Let the agents in the education be free from any entanglement with the property. Let the buildings or funds be held solely by trustees—and let the principals or masters be entirely clear from the possible suspicion even of interest in a speculation. There is little doubt that the present crisis is a most important one—the opening golden; and that comparatively little risk is needed to develop and increase the demand which even now exists unsatisfied. But, whether by private funds or by an "association," the opening is made and utilised, it is one, which, if rightly used, must amply repay risk and outlay; only be sure that success will depend upon the soundness and breadth of the principles on which we work.

To train young men, towards whatever form of action, in *quamcunque voces artem*, to educate, that is, properly so called,—to do this without artificial or unreal distinctions,—to give both to richer and poorer their true and fair play, if they choose to qualify for, and come to Oxford,—to do this without any premature recognition of caste or class, to remove from the way of all (be they richer or poorer) any artificial impediments which may at present exist, either blocking their entrance altogether, or so hampering them when admitted, as to check and hinder their using to the best advantage such means and resources as they themselves possess,—to secure them, when entered, against a mismanaged commissariat, against unintelligible tariffs, agianst the peculations of servants and lodging-keepers, against general neglect, and, if I may say, against a mere drifting of an unguided and unsteered life,—to give them liberty and help to have, to use, and to hold, any and all the advantages which our university is now so peculiarly able to afford,—these, and none others, are the true ends and aims of an "Oxford Extension." *

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* The following extract from the *Saturday Review* of October 20, on "Middle Class Morality," is so important a confirmation of some of the truths advanced in this paper, that we add it as a note;—

"Whence comes it, that the number of students at Oxford and Cambridge remains comparatively stationary, while the wealth of the middle classes has been increasing in such gigantic proportions? The universities themselves abound in defects and excesses, in sins of omission and sins of commission, and are capable of vast improvement in what they omit to teach, in what they do teach, and in the spirit in which they teach. But this alone is very far from accounting for the comparative apathy with which the opulent middle class regards university education. This apathy is only a type of their feeling towards all the higher education. It is said, indeed, that tradesmen do not send their sons to college, because college training hinders the promotion of practical business habits. If this be the case the tradesmen must be great blockheads, or else they would scarcely overlook the numbers of cases in which an old firm had been lifted out of the rut, and carried on to splendid prosperity, by some son who has a double first at Oxford."

EDUCATION.

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This Department deals with the various questions relating to education, whether of the upper, middle, or lower classes of society.

SUMMARY OF PROCEEDINGS.

THE following special questions were discussed in the Department :—

1.—By what means can the impediments to the Education of the Children of the Manual Labour Class, arising from the apathy or poverty of parents and the claims of the market for labour, be most effectually removed?

2.—What Central and Local Bodies are best qualified to take charge of and administer existing Endowments for Education, and what powers and facilities should be given to such Bodies?

3.—By what means can Education be most effectually extended to the smaller Rural Parishes and the most Destitute Classes in large towns?

The following were also suggested as suitable subjects for Voluntary Papers :—

1.—The Religious Difficulty.

2.—The Manchester and Salford Local Education Bill.

In addition to the papers printed in the foregoing pages, the following were read in the Department:—

"On the Education of the Manual Labour Class." By R. S. Bartleet.

"Sixteen Years' Experience of a System of Elementary Education adapted to the wants of the masses of the nation, being a brief history of the Glasgow Secular School." By John Mayer.

"The Charity School, Greenock." By A. J. Black.

"Ten Years' Experience of the Manchester Free School." By B. Templar.
"Suggestions on Popular Education." By C. Belmont.
"Parochial Libraries for Working Men." By George Harris.
"Jamaica: its Education and Educational Foundations." By Charles Plummer.
"Religion an Essential Element in the School Education of the Poor." By the Rev. Canon Toole.
"Middle Class Education in Agricultural and Rural Districts, with Suggestions of a Scheme for its Extension." By John Jenkins.
"On the Pressure for Employment among Women of the Middle Class." By W. B. Hodgson, LL.D.
"On the importance and the best method of teaching Natural Science as a fundamental part of juvenile education." By John Angell.

THE EDUCATION OF THE MANUAL LABOUR CLASS.

By what means can the Impediments to the Education of the Children of the Manual Labour Class, arising from the apathy or poverty of parents, and the claims of the Market for Labour, be most effectually removed?

In addition to the papers by Mr. Bremner and Mr. Shuttleworth, printed at pp. 307, 317:—

Mr. R. S. Bartleet read a paper on the same question. He considered that one of the great hindrances to education was the employment of married women in factories, which led to the neglect of their children. For various reasons it was not possible to prohibit their employment, but he thought that by curtailing and regulating their hours of work, they might be enabled to devote proper attention to their children. The time to which their labour should be limited was from 8·30 a.m. to 12·30 p.m., and from 2 p.m. to 4·30, or 5 p.m. The firm of which he was a member (Messrs. W. Bartleet & Sons, Redditch,) had found that the married women in their employ, if allowed to work by the piece, produced in six or seven hours on this plan, nearly as much as if they had toiled through the full factory hours. For children of a lower class, in a bad quarter of Redditch, he had established a free school, which had an average of 100 on the books, out of a population of 6,000. The condition for obtaining admission was, "That the parents or guardians were able to satisfy the managers that the child cannot or will not be sent to any other school." The school was open for two hours in the morning and, except on Saturday, for two in the afternoon. Thus the mistress was able to attend to other duties, "such as visiting the mothers, making

clothes for the children, and attending to a clothing and shoe club and penny bank for the children connected with the school, to which the parents were also invited to contribute, if ever so little." The teaching was limited to reading, singing, object lessons, exercises, and sewing; the object of the limitation being to hold out an inducement to the parents to remove them to better schools, to be taught writing, arithmetic, &c.

Mr. JOHN MAYER read a paper, entitled "Sixteen years' Experience of a system of Elementary Education fitted for the Wants of the Masses of the Nation, being a brief History of the Glasgow Secular School." The only system, he thought, which it was possible to establish, was one that was thoroughly unsectarian and secular. The Glasgow Secular School was instituted in the year 1849, about the time that the Lancashire Public School Association was making some anxious efforts to get Parliament to legislate on the subject of national education. A similar association was formed in Glasgow, and amongst its most prominent members were the late Dr. J. P. Nichol, Regius Professor of astronomy in Glasgow University; Mr. McClelland, a well-known member of this Association; and Mr. Richard S. Cunliffe. In conjunction with some of their fellow-workers, they set up a school in Glasgow to give a practical shape to their views. It was believed that, on account of the great prevalence of sectarianism in Scotland, the only possible solution of the question of national education in that country was to establish a secular system. To try such a system the Glasgow Secular School was ushered into existence. In commencing the school, the promoters had to bear in mind that, in order to make it successful, it must come into competition with such schools as were designed for the children of the industrial classes, which at the time were almost all subsidised by the Committee of Council on Education. The fees to be charged were consequently fixed at a low rate; yet, if the instruction imparted was to be worthy of the notice of those by whom it was required, it must be well paid. It followed, therefore, that the promoters of the school must contribute largely towards its support, for, owing to the circumstance that the Scriptures were not used in the school, no government assistance could be obtained from the Committee of Council. During the long period of seventeen years that the school has existed, it had sometimes been found difficult to obtain subscriptions on such a liberal scale as was desirable, so as to maintain the school at the high pitch of excellence that it aimed at having. The school, almost since the first, had had an attendance of from 160 to 200 pupils, the children of the better class of artisans of various sorts, of foremen, commercial travellers, small shopkeepers, clerks, bookkeepers, warehousemen, and the like. The fees, varying from 14s. to 8s. per quarter for all branches taught, had generally been beyond the means of working men with very low wages. Although the rate of wages had very greatly increased during the last ten or fifteen years, it could scarcely be said that the schoolmaster had enjoyed a like simultaneous benefit, the school wages paid by the

pupil not having increased in a like ratio with the wages received by his parent. For some time after the school was established it was the butt at which were thrown many opprobrious epithets by persons who ought to have known better, and to have acted more in accordance with the precepts of that holy religion which it was their business to teach. "Godless," "ungodly," infidel," were terms that were not uncommonly used by clergymen and others who never visited the school to see with their own eyes and hear with their own ears whether or not the charges brought against it were justified by the facts of the case. Mothers, who were more easily influenced than the stronger sex, were prevailed upon to give the school a "wide berth," by the language used by their spiritual guides in reference to it. For some years, however, this kind of opposition seemed to have almost, if not altogether, died out; at least it had ceased to manifest itself openly. The quality of the instruction imparted in the Glasgow Secular School and its catholic nature had together commended it favourably to the notice of many parents in Glasgow. It had not been the practice to make inquiries of the parents sending pupils as to the religious persuasion of the former, but it had incidentally come to the notice of the teachers that they have had representatives from families of almost all the many religious persuasions that Scotland can boast of. So far as the teachers had been concerned, no pupil had known anything of the religious upbringing of his classmate beside him. They had all associated together on a common platform. Acting on the principle adopted in the Birkbeck Schools in London, the Williams Secular School, Edinburgh, and in the Manchester Secular School, it had always been the practice in the Glasgow School to devote a pretty large amount of attention to the instruction of the pupils in the elements of science. As is the case in most well-conducted schools, object lessons had been systematically given to the youngest pupils, for the purpose of cultivating the faculty of observation, and of incidentally leading out the reasoning powers. This practice had not ceased with the removal of the pupil from the infant or initiatory department, but had been continued throughout the whole school, until in the highest class systematic instruction in science had been regularly given from year to year. It was doubtless in part due to the successful teaching of science in such schools as the one under notice that, on the advice of Dr. Lyon Playfair and others, the government was induced, in the year 1859, to entrust the Science and Art Department of the Committee of Council on Education with the administration of certain grants, and the superintendance of a scheme for enabling the industrial classes of the United Kingdom to provide themselves with science instruction. The Glasgow Secular School was not slow to take advantage of this scheme. For the last six or seven years this valuable and thorough-going system had been well worked in connection with the Glasgow Secular School, partly for the purpose of obtaining the government grant in aid of science, the teacher's share of which during that time has been of great use in supplementing the small

ordinary school salary, which was small because no public aid was granted for the elementary instruction given to the pupils. Another reason why the system had been well worked was, that it accorded well with the course of scientific instruction previously adopted in the school. That the teaching had had some reality in it might be concluded from the fact that the report of the examinations held in May last mentioned the names of twenty "passed" pupils belonging to the Glasgow Secular School, one of whom succeeded in getting into the first class, although he was not eleven years of age at the time. With Professor Huxley as the examiner in zoology, there must have been some ability manifested. "As far as worldly concerns go, and the relations of man to man in his social and civil capacities, the former pupils of the Glasgow Secular School show by their conduct through life that their school training has had a good effect on them, mentally and morally. The greater number, as might be expected from their rank in life, are engaged in various industrial occupations; no small number of them, however, are in situations of trust and honour, as clerks, bookkeepers, foremen, etc. Others there are in places where peculiar kinds of knowledge and skill are required, as draughtsmen, civil engineers, mechanical engineers, manufacturing chemists; and some, notwithstanding their usefulness, have successfully entered into business on their own account. As many as five have entered the medical profession, probably in part, at least, owing to the peculiar bent which their minds might receive from the science lessons given in the school. Three out of the five have been some time in practice as surgeons, and the other two are not the least distinguished among the students at present attending the medical school of Glasgow University. At least two of the former pupils of the Glasgow Secular School are at present completing their university studies preparatory to becoming ministers of the gospel. From the contents of this paper, and the experience of this school for the past sixteen years of its existence, it seems to follow:—1. That through local management, and the adoption of a system of local rates, in lieu of school pence and government aid, a system of elementary education and instruction for the working classes similar in principle to that adopted and followed out in this school, could be successfully instituted in every centre of population throughout the kingdom, acceptable through its catholicity and unsectarian basis to all classes of the people, and reaching the lowest and poorest in the land. 2. That the chief obstacle to such a consummation arises from the contest among rival churches and denominations throughout the country."

Mr. A. J. Black read a paper on "The Charity School, Greenock." "It is," he said, "neither a ragged school, nor a reformatory school; it is a free school in the fullest and widest sense. It is intended for the children of poor, yet in many cases respectable, parents, who, from fluctuations in trade, and sickness and death in their families, are deprived of the means of giving them any education whatever; and not a few who have now become useful members of society, have

had at one period of their lives reason to be thankful there was such an establishment as the Charity School." The school was established about the year 1792. "At that time the population of the town was chiefly of the sea-faring class, from the precarious nature of whose calling many widows and orphan children were cast wholly unprovided for upon the parish. On this state of matters being brought by the minister and his session under the notice of the town council, the subject of a free school was warmly taken up by that body, who at once provided accommodation for about 400 children at the public expense. This school, so far back as the beginning of the century, had an average attendance of between 300 and 400 children, who were receiving a plain useful education. About the year 1813 the present building was erected on a piece of ground in Ann Street. The cost of the erection of the building was defrayed by public money, but the maintenance of the school up to the present time has been entirely by voluntary contribution. About two years ago it was found necessary, owing to the increased attendance, and also in a sanitary point of view, to enlarge the premises, and another storey was added to the building. The cost of this additional accommodation was defrayed by public subscription, with the exception of a grant of £300, which the committee received from the town council. I have said this school supplies a want which was felt by the community, in providing a good plain education to poor orphan children. There is another class to which the committee have since seen it their duty to extend the benefits of this institution—viz., the children of ill-doing dissipated parents, who are utterly indifferent to the welfare of their offspring, and would leave them to grow up in ignorance and heathenism, only to be pests to society. During the past year (ending June) the number on the roll was 291 boys, 245 girls, making a total of 536. The average daily attendance during the same period was 215 boys, 205 girls, total 420." The instruction ranged from the alphabet in the lowest to history, grammar, geography, arithmetic, and writing in the highest. One hour in the morning was devoted to religious teaching. Sewing, knitting, and drawing were also taught, the last being very popular with the scholars. The ignorance of the children when received was very great. Out of 174 who were enrolled during the past year, only 13 were able to read the Bible, 27 could only read words of one syllable, while upwards of 100 did not know the letters of the alphabet—a considerable number of whom were eight or nine years of age, one ten, and another eleven. The committee met once a month for the admission of applicants, who were furnished with a schedule from a minister, an elder, a district missionary, or a subscriber to the institution, certifying their inability to provide even the small sum of twopence a week charged for the same kind of instruction in a parochial school. The working expenses of the institution amounted to about £300 a year, equal to 11s. 2¼d. per head. This sum included salaries, books, stationery, coal and gas—in short, every-

[illegible] The sum was [illegible] discussion. Mr. [illegible] [illegible] [illegible]

I have studied the condition of things on the Continent, and in many countries there I have observed that measures have been taken to avert the evils so forcibly depicted in that report. The report recommends two things—local taxation and compulsory attendance. I think it is quite obvious that local aid is indispensable, for two reasons. The government of this country cannot be called upon to aid education except so far as that aid is given to persons who are unable to help themselves. A local rate would serve as an index, telling us precisely the locality where aid was most required. Were such a local rate once established, we should have government aid given most largely precisely to those localities where poverty most existed and where education was most wanted. A local rate would not do without government aid. As to compulsion, I would go farther than the committee has recommended. I am very much disposed to make it compulsory on all parents to send their children to school, or else to be amenable to some slight penalty. By so doing we should not only check this great evil of ignorance, but we should, in some measure, obviate the necessity of having afterwards to punish children for the vices and crimes of their parents. Better punish a little in time than a great deal afterwards. On this ground I am strongly in favour of a compulsory system of education, such as exists in some parts of Germany. I think that no man should be privileged to exercise the franchise in this country, and influence the decisions of Parliament, who had not some degree of education. All these things render direct compulsion necessary. With the remarks in the report of the Manchester Education Aid Society as to the inadequacy of the voluntary system, I also agree. I think it is as absurd to expect that persons who are totally uneducated themselves should appreciate the utility of education, as it would be to expect that lunatics should assist in organising an asylum. Ignorant people are but mental imbeciles, and therefore we cannot expect them to give any voluntary assistance towards sending their children to be educated. On these grounds I not only go quite as far as the recommendations in the report, but somewhat farther.

Rev. Canon Burgess: Two subjects have come prominently before us today—one that of compulsory education, and the other, the imposition of municipal taxation for that purpose. These are the greatest questions that can occupy the minds of educationists in the present day; but as into the few minutes at my disposal I could not compress them, it would be useless in me to attempt to give my reasons why I am not in favour of either the one or the other. I was glad to hear, however, from the paper which has been read on behalf of the Manchester Education Aid Society, that if there is to be any compulsion at all, it is to be indirect; and I don't feel that I should have any great objection to that. What, however, we do in this country must be by way of inducement. I do not think that our institutions and habits of thought will ever endure a compulsory education, which will necessarily involve inquisitorial authority, to which the people would never submit. As, however, I have not time to give my reasons, I will not trouble the audience with any further observations than this, namely, that we must always recollect that, with a municipal or parochial taxation for educational purposes, the persons to manage that education must necessarily be the ratepayers; and I would leave the present audience to consider what sort of education boards we should have when every ratepayer had a voice in the education of the poor people of the parish. With regard to the present system of education under the revised code, I regret that I have more to say against it than I have for it. I should be sorry to say there have been no good results from it, particularly those gained by insisting on a test of proficiency in reading, writing, and arithmetic; but the disadvantages are so many and have been so well touched upon by the report from the committee of the Department, and by other papers which have been read, that I shall merely confine myself to two points. It was said in the paper read by the Manchester Education Aid Society that the code—not the revised code—of the Committee of the Council of Education had raised the standard of knowledge, and had also created a superior standard of teachers. That is perfectly true. I don't know whether it will appear egotistic in me to refer to what I have done, but I may say that I originated the pupil-teacher system in the London diocese in 1812, when honorary secretary of the London Diocesan Board of Education, in which office I

continued for ten years. That system was generally adopted in the code, but it has been abolished by the revised code. What has been the consequence? It is sufficient to state, that at the close of 1862 there were 15,752 pupil teachers, and there are now 11,221, in other words, the number has been reduced by 28 per cent., and unless something is done to check it, we shall altogether lose the pupil-teacher system, and also those training institutions where pupil teachers serve their apprenticeship. One of these institutions has already been closed owing to the decrease of the grant. The training colleges in 1864 received in grants from the Committee of Council £96,166, and in 1865, £75,654, being a decrease of £20,512. That is all very well for economy, but the result is, that pupil-teaching has reached the state mentioned in the report, while the high standard of superior teaching will necessarily go down. This is my opinion, founded on many years' experience. Thirteen of the school inspectors, in their reports to the Privy Council, agree in saying that the revised code has tended to discourage attention to the higher branches of education. That is one of the results. Mr. Arnold, one of the inspectors, says:—"I find in first-class good schools a want of intelligence on the part of the children of what they are reading, and a total ignorance of geography and history." He would not have found that four years ago. Masters and mistresses are forced to pay more minute attention to the lower classes, and, at the same time, their staffs of assistants have been diminished just when they had more work to do, so that they have to cut geography and grammar and history out of the school course. But the teacher does not care whether the child knows whether Copenhagen is in Canada or in Denmark. There is not that liveliness there was in the schools before this pressure was put upon them by those three magical attainments, "reading, writing, and arithmetic." The boys are taught these elementary branches mechanically, while as to the teachers, I am afraid we shall come down to the old style as we had it before the system of training came into operation. I remember a commission—not sent by government, but a voluntary commission from the Central Education Society—coming down to Manchester. The commissioners went into one school, where they found the master ready to certify to the completeness of his course of instruction. "What do you teach?" he was asked. "Everything, sir," was the reply. That was put down. "You teach reading, writing, and arithmetic?" "Yes." "Grammar?" "Yes." "Everything?" "Yes!" The examiner, seeing that this was a sham, and that the man was an ignorant person, shut his book, and turning to his companion, said, "This seems to be *nullum in parvo?*" "Yes, sir," exclaimed the schoolmaster, "I teach that, so you may put that down too." This, I contend, is what the revised code is going to do—to get back the uncertificated teachers and men of that class. I hope that will not be the case. I have confidence that those who preside, and are likely to preside, over the Committee of Council of Education will see that it is absolutely necessary to revise again that revised code. Let the managers of schools have a little more consideration shown to them, and not be snubbed and treated in a manner to send them from their posts. Let us work what we have got in the best possible manner, and thus do something to arrest this downward tendency which, in my opinion, the revised code has given to education.

The Rev. Nash Stephenson: I quite agree with the previous speaker in what he says as to the downward tendency of education, with the exception of the three elementary branches of reading, writing, and arithmetic. The schoolmasters are labouring for bread and cheese, and when it comes to the alternative whether they are to teach that which will pay or not, they do not care for ulterior results. With this mechanical teaching of "the three R's" we shall have a diminution of the higher branches of instruction. I believe this to be so from the fact that the sale of the National Society's various class-books for geography, history, and other advanced subjects, has, since the introduction of the revised code, materially decreased. Though we may disapprove of the way in which some of the masters and managers conduct their schools, I hope we shall not consider that they have altogether neglected their duties, and that we shall not slight their labours. The first thing to recollect is the sort of education suitable for the different schools, the free school, the school where half, and that where the whole of the fee is

paid by the parents. The result of the inquiry of the Manchester Education Aid Society shows that half the parents would not have the school payments when offered to them. This proves that it is not so much the poverty of the parents that keeps the children from schools as their apathy. This tallies with Mr. Horace Mann's statement in his statistics of 1851, that it is not the poverty of the parents which prevents them from paying the 1d. or 1½d. a week for the school-wage, an outlay which is saved in the wear and tear of clothing at home, but that it is the apathy and indifference of the parents with regard to the whole question at issue. That is one cause of the neglect of education. Then, coming to the labour-market, we are told that parents prefer sending their children to the factory and the workshop rather than to the school. Let us put ourselves in their position. Supposing there are three children, each of whom will earn one-fourth of what the father can himself earn, would not that be a very great temptation to him? Should we not, in similar circumstances, find a great temptation in this fact that each child is a bread-earning machine, and will contribute not only to the superfluities, but to the necessaries of life? Then we are told the measures for ensuring the attendance of children at the public schools should be compulsory measures. There are two ways of getting at this, either indirect or direct. Let us suppose a measure to be compulsory, what are the penal consequences? It is proposed to be a pecuniary punishment. Suppose the penalty not paid. Do you think that the present feeling of society would tolerate the imprisonment of a parent because he did not pay a certain sum towards sending his children to school? I am sure the feeling of society is against anything like this. Then if the compulsion is to be indirect, and the child is not to go to work until he or she has passed a certain examination, and obtained a certificate of education, is the child in the meantime to go to school or not at the option of the parents? What is the principle upon which you will give the grant—upon attendance, or examination? Upon these points the Education Aid Society's paper fails to give us information.

Rev. Alfred Worthington: In the report of the Royal Commissioners, there is a calculation that half the children who are of age to be at school are at school; and, if the books of the school are examined, it will be found, though many children are not at school, because their parents are removing or have removed from one part of the country to the other, yet that all the children of the manual labour class in the country and passing through the country have some schooling in the course of the year. It is evident from the facts in the report to-day, that it is only true to a very limited extent, that the children of the needy class don't go to school at all. If the Education Aid Committee can tell us how many children go to school in Manchester who went last year, and how many who did not go last year, they will supplement their report with some very valuable information. As to compulsory attendance of children at school during a certain number of hours each day, I think much advantage would result, especially in agricultural districts where the lads are wanted to take their turn in "tending" the birds, or hoeing the turnips, if the regulations of the schools allowed them to make up the required time at periods best suiting the exigencies of their employment, provided that they stayed in the school for not less than two hours at a time when they did go. This system allows them to get home in time to take father's dinner, or the little girl to "nurse baby." This plan has been adopted by the master of a village school with which I am connected, and it has succeeded in insuring an attendance of ninety scholars in the day school, besides forty or fifty in the evening school, out of a population of 700. Mr. Paget, of Ruddington, has adopted, upon his estates, a school system which allows the children to attend on alternate days. I wish Mr. Kay Shuttleworth would supplement the information contained in his valuable paper, by telling us how far the evening schools connected with Mechanics' Institutions and kindred organisations have supplied the want of day schools; and in what condition the boys have entered the evening classes; whether totally ignorant, and if so, whether that has been from the parents' neglect; how many have been to a day school; how many could say the A B C when they entered; and how many could make pot-hooks. The answer might help the Privy Council to a solution of the difficulty attending the disputed point, as to the proportions of children who receive no

education at all. I have applied for help for one of these night schools, but have failed to get it, though I think, on the broad principle that we should give where assistance is most needed, that a grant is at least as necessary to those engaged to teach A B C as to those teaching the boys in the public schools algebra. As to Mr. Bartleet's time-system for married women employed in factories, permitting them to leave at hours different from those of the other hands, I do not think it could be practically adopted, except by employers of labour earnestly interested in the experiment. They might, however, work on the half-time system, in gangs, as the children do, and so meet the difficulty.

Dr. J. Watts: I rise now, because I think the misunderstanding which has arisen upon the report of the Manchester Education Aid Society should not be left unanswered, so that the discussion may go on from this point in proper train. I will take the objections to compulsory education—both to compulsory rating and compulsory attendance. I think it was unfortunate that Canon Burgess should have spent his time in discussing the defects of the revised code, instead of giving us his reasons against compulsory rating and attendance, because it is now generally conceded that the revised code, like most things human, had in its constitution both good and evil. That it has lessened the number of pupil teachers is true, as it is that it has created a system of increased attention to the great mass of the children, and has secured greater results in the shape of reading, writing, and arithmetic. We all know that "reading, writing, and arithmetic" are not an education; and we also know what sort of an education that would be which is without "reading, writing, and arithmetic." If we can first secure reading, writing, and arithmetic for the bulk of the population, we may then discuss what will be the best system of higher education, and what are the best means of procuring it. Mr. Stephenson misunderstands the report of the Manchester Education Aid Society when he says that one-half of the parents refused the grant. The paper was explicit, and gave the experience of re-visitations, which eliminated the reasons why 300 and odd children were not at school. We found about 70 absent from sheer neglect; upwards of 100 had removed from the district; smaller numbers were absent for various reasons—some for want of clothes, some because they had gone to work. The cause with which Mr. Stephenson charged 50 per cent. of the absentees applied only to 70 out of 300 cases. If the education of these boys were provided for by local rates, the 100 boys removing from one district to another would be able to choose a school in the new district, because local schools would be established in every town and district, and children removing from one district to another need lose but a single week. As to the sort of educational boards which ratepayers would elect, the working of our municipal system in the conduct of the business of a town furnishes sufficient evidence that ratepayers would do the work of appointing educational boards as well as anybody could expect them to do it. We should have educational candidates just as we now have candidates for town councils, and the men elected would be found equal to the administration of education just as town councillors are found equal to the administration of paving, sewering, gas-lighting, and the rest of municipal duties. Then we are told that "the people don't like compulsion." Of course they don't; but what is all law but compulsion—and the people who break the law don't like the law. We should only have an additional law, which would operate just in the same way as other laws now operate: that is, the neglect of parents to give their children an education would be made a misdemeanour, and the neighbours of any parent so neglecting to send his children to school would have the power of laying an information before the magistrates; and I have no doubt that would answer at least 90 per cent. of the cases which are now absent from school. If we got an education rate, and free schools as a necessary consequence, I have no doubt we should approach very near to clearing up the difficulties of the education question. Canon Burgess has referred to the supposed difficulty of getting the people to submit to the imposition of an education rate. Upon that point I can give a little experience. Fifteen years ago, when the question of primary education was much agitated, it was my lot, as chief secretary of the Educational Committee, to address a number of public meetings, at only one of which was a majority found against my proposition asking the ratepayers to submit themselves to a rate in order to set up free

schools. The example of the Liverpool Corporation Schools has shown the possibility of municipal schools being worked on an unsectarian basis, and parents may choose between an unsectarian school and a denominational school. It seems to me that the paper of the Manchester Education Aid Society very fairly covered the whole question.

Mr. George Hurst (Bedford), advocated the application to the United Kingdom of a compulsory system of education, similar to that adopted in almost all the German States, where he said the system worked thoroughly well.

Rev. H. R. Sandford: I have been thirteen years an inspector of schools, and have spent much time in foreign countries. The result has been to convince me, that there are two difficulties in the way of getting the manual labour class educated. The number of parents who cannot afford to send their children to school is far less than the number who can afford, but will not. I have been greatly interested by the paper of the Manchester Education Aid Society, and I thoroughly agree in the main in the plan which they propose. I do not think it is possible to get the children of a certain class of people educated except by a rate as the committee have suggested. For ten years I have been of opinion that such a rate was wanted, and I may remind the meeting that the Royal Commission on Education, which sat before the revised code came into operation, did recommend such a rate. That commission, consisting of men of all shades of politics, expressed it as their deliberate opinion that such a rate was wanted. The supposed difficulty of levying the rate does not exist. The Commission recommended that the Chairman of Quarter Sessions should have the power of levying a county rate; and in boroughs, there would be no difficulty as to the proper persons who should administer the rate. With regard to the working of the revised code, I can state, that in my own district, the "Black Country" of South Staffordshire, great good has been done by the revised code in getting the children more thoroughly grounded, and in insuring more attention to the lower classes. But the evil of the code is the raising of the fees in the higher classes, the effect of which is, to drive the children of the poor out of school. In my district it has driven them out of a number of classes in the schools. The plan generally is to raise the fees in the first and second classes, and the result is, that the best scholars in my district cannot get into the first class without paying sixpence a week. In the second class they do not learn the compound rules of arithmetic. Something is required to enable parents to keep their children longer at school; and I think that the plan of a rate in aid, as suggested by the Manchester Education Aid Society, is just what is required; and, I believe, if they had the power, it would be adopted in all the municipalities throughout the country. As to the other difficulty, that of the parents who can afford to send their children to school, but who will not. This is very much the case in South Staffordshire, where wages are high; but they who can best afford to send their children to school are the very worst in that respect. I have known the case of a man who earns his £2 and £3 a week, who, while he works himself, has close by his side at work a little boy of five years—the father thus not only keeping him from school, but ruining his body by the pressure of work too early applied. In the district with which I am connected there are 4,414 children at employment who ought to be at school. I think it would be an interesting inquiry if we could ascertain how many children in different towns are employed below the age of thirteen, who ought to be at school. The new phase of street-life, with the hordes of children whom we see wandering in our large towns, is the result of the Act enforcing the half-time education. Employers will not have children at all under thirteen years of age, and the result is, to send them about the streets. At present a large number of the children in South Staffordshire are not at school, because they are put to work before they are fit for it; but I fear that the effect of the extension of the half-time system to that district would be to throw a large number of children into the streets. The benefits of the compulsory system of education in Germany and Switzerland have impressed me in its favour. If children are wandering about the streets they are a nuisance to the neighbours, and the municipal authorities have a right to send them to school.

Mr. Ramsay Moir controverted the argument that the principle of compulsion was [illegible]. The [illegible] of the Manchester Education Aid Society was extremely [illegible] from the [illegible] information it contained. They were frequently met with the observation, "Your statements are so vague;" but they are now able to show that in the town of Manchester there were 40,000 children who did not receive instruction. That was a fact which ought to make every Englishman think whether he could not do something to remove this reproach. Compulsion was said to be unknown, but it was not. He saw compulsion everywhere. If a man had a hateful nuisance, we compelled him to take it away. Many men said their animals were their own, and if they chose to treat them ill, they had a right to do so: but the law said, "Nay, we will see that you treat that animal fairly." The moral and intellectual condition of little children demanded quite as much watchfulness at our hands, and parents should be compelled not to neglect them. If a parent neglected his child as far as food went, he could be compelled properly to support it. The moral welfare of a child was far more important than the bodily: and if a parent had neglected it, it was right that we should step in and compel him to do his duty.

Rev. Brooke Lambert: I believe the solution of our difficulty lies in an extension of the half-time system. It would reduce the number of the class from which labour can be taken: labour would consequently be scarcer, and would therefore be better paid, offering a further inducement to parents to send their children to be educated, in order that they may be able to obtain higher wages. As the result of the half-time system in bringing children forward in their instruction, I may mention how surprised I have been to find how excellent the system is, and how satisfactory is the progress of the children in a workhouse in London, where the lessons are varied by drill exercises, to prepare the boys for soldiers and sailors. Even where regular attendance cannot be enforced, as it is in workhouses, the instructions would be followed by greater results if they occupied less time.

Mr. Elijah Helm spoke in favour of a system of national education on a principle similar to that adopted in Switzerland and Germany.

Mr. Richard Johnson: I am sure we ought all to be very much obliged to the Education Aid Society for its paper, which has proved that there are two things which prevent the education of the people—one is, the want of appreciation of that education on the part of the parents who cannot afford to pay for it, but for whose children it is provided for nothing; and the other is the habits of parents who have money, but who, instead of applying any of it to the education of their children, waste it in drink. We should educate the people to enable them to resist this temptation of drink, or to sweep it away altogether. The feeling in favour of a compulsory system of education is growing in the country, but it must not be a system to compel the provident to pay for the improvident who can, but who will not, pay for themselves: but a system to compel the improvident to give towards the education of their children a portion of that money which they can well afford to devote to such a purpose, but which they now waste in vice and extravagance.

Mr. Anthony Welsh (Secretary of the British and Foreign School Society), spoke in favour of an extension of the principle of the factory acts, and of educating the parents in the sense of making them feel that their children must be educated in order to obtain profitable employment.

The President: I think you will all be of opinion that the papers we have heard are all unusually interesting, especially that contributed by the Manchester Education Aid Society. To my mind the value of the operations of that society lies not so much in the Christian work of seeking out the neglected and ignorant, and endeavouring to bring knowledge to them, as in the flood of light it has thrown upon the state of the working populations of our large cities. It must not be assumed that in consequence of the huge and almost unmanageable size of Manchester, the evils exist there in a greater degree than elsewhere. There can be no question that if a similar inquiry were instituted in every other town in the country, similar evils would be found to exist. The propositions that have been made to meet those evils are bold and comprehensive. Touching upon them I would say one word as to the action of government. I do not say this for the pur-

pose of defending the department with which I have been for some time connected, but to put before the meeting the state of affairs. In the report of the committee of the Department read to-day it has been said that we have done little of late to extend education. It is admitted that there have been fifty schools built by government and forty-six enlarged, the whole expenditure on that head being nearly £16,000, but it was implied that this is all that has been done in the way of extension. But the framers of that report overlook the far more useful action of the Privy Council during last year. The immediate effect of the revised code no doubt was to discourage managers of schools, and to check the steady and rapid increase both in the number and quality of schools which had taken place up to that time. New responsibilities were thrown upon them by the state of things introduced, and it was natural to suspect that there would be some check in the progress of education. There was a check. If you take the year during which the revised code was discussed, and the two years following, you will find that during that time the number of schools which connected themselves with the Privy Council averaged only fourteen a month. Again, in the same three years the additional number of children presented for inspection was 128,000, averaging 40,000 a year. But what was the case last year? The number of schools that sought to connect themselves with the Council averaged fifty a month, while previously, with the exception of a single year, it had averaged only fourteen a month. The total addition of schools brought under the annual grant was 610 last year, against 593 in the three years before, and the additional number of children submitted for inspection was 112,000 against an aggregate of 126,000 for the three preceding years. During the last six months of the time that I was in office, 108,000 children were brought under the operations of the Privy Council, which implies that so many schools have been changed from bad into good schools. And what does that mean? A bad school leaves the population stagnant and stationary—and a good school, on the contrary gives free play to their minds, talents and energies. What has the government system done? Excluding Scotland, which does not come into the question, the whole number of school children on the books who have been assisted by the state is about 1,250,000; but with the school system of Prussia or Massachusetts we ought to have had 3,400,000. That the Privy Council has been unable to do more is owing to the disinclination of the House to accede to the requests of statesmen of both sides, to give them initiatory powers; so that we must look to the feeling of the country to bring about an improvement in the present system; and that feeling can best be formed and influenced by putting forward such facts as those which have been published to-day. If we had such an Education Aid Society in every large town as that of Manchester, we should soon have a different system, and a satisfactory solution of the difficulty. Objections have been raised to the suggestions both as to rating, and as to the provisions for education. With respect to the rating I am bound to say that no person has been sordid enough to state that the ratepayers would be unwilling to contribute. Other objections raised are transference of the management of education to a committee elected by ratepayers, and the religious difficulty. Now with respect to the former question;—in the first place, wherever a school now exists not under its own denominational superintendence, it might be assisted from the rate; but the rate would only step in where voluntary effort failed. The rate would found schools which would be managed by a committee elected by the ratepayers. Is that an evil? To my mind it is one of its greatest recommendations. I think it of the highest importance that a much larger proportion of our population should take part in the management of our schools, than they have done up to this time. I have been for many years manager of a school of 900 children. It was to me a great satisfaction when the colliery agents were induced to take part in the management of the school with me. I have found no objection on their part to what is called class education. On the contrary, I have invariably found that the self-raised men, and they are common enough in this country, are men who feel the value of education. They have felt the want of it themselves, and they are anxious to have as complete an education as the circumstances of the case will allow. Reference has been made to America. Any person examining into the American system of education will at once feel that it is a great

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[illegible] *Watts advocates a more complete system of compulsion, and says that he would enforce the law by information given by the neighbours of those parents who could not send their children to school. I think I could think that we have arrived at such a healthy state of public opinion that we could get neighbours to inform against parents for the neglect of duties of that kind. What is our experience? In the colliery districts we have frequent complaints of the employment of children. The colliers complain that the law is constantly violated in some of the pits. They have been asked, "Why do you not take measures to prevent the employment of children in the collieries under ten years, and under twelve years of age if they cannot read and write?" but we could not get a single collier or workman to step forward and give the requisite information.* I am afraid, therefore, that we are not sufficiently advanced to see our way to the result referred to by Dr. Watts. But if we are prepared to pass a law compelling every parent in every district where a school is provided, to send his children to school, and if we enforce that law by vigorous measures, then we should excite an immense amount of opposition, and the law will become a dead letter. My own opinion is, that we should gradually lay down the principle that no child up to a certain age, say from twelve to thirteen years, should

be allowed to go to any work at all unless he can read and write. One of the many things which I have learnt from the valuable report of the Manchester Education Aid Society is, that out of 11,083 children between three and twelve years of age who have been found absent from school in the districts examined (districts not in the worst parts of Manchester), only 763 were found to be at work. If that could be taken as a general indication of the proportion of children at work between these ages —and I suppose there is no district in the world which offers employment to children sooner—it shows that only one-fourteenth of the children between three and twelve years of age were engaged in work, and therefore the remainder of the children not at school were not supposed to be at work at all. I think that very much diminishes the objection raised as to the labour question regarded from the parents' point of view. The objection, that the effect of the revised code has discouraged higher branches of education, has also been admirably dealt with by Dr. Watts. The Commissioners' report for 1859 stated that only one out of four coming to school left knowing how to read and write in a satisfactory manner. To show you the effect of the old system, I will give one illustration, though it may be said I am revealing "the secrets of the prison-house," which I have since abandoned, or rather, from which I have been ejected. About three years ago, the rector of a populous parish wrote to me to the effect, that nothing could be more disastrous than the operation of the revised code upon the schools of his district, the receipts of which had fallen off from £160 to £70; and the schoolmaster spoke bitterly of it. I replied, that there must be something rotten in the management of the schools. The next year I received a cheering letter, stating that the finances had risen to £159, and last year, instead of £70 or £80, the receipts were £263,—a result which has been brought about by the dismissal of an incompetent person, and the appointment of a competent master in his place,—a change which has been rapidly followed by an increased attendance of scholars, a large presentation of children for the examinations, and a marvellous improvement in the system of education, none of which benefits would have been obtained but for the searching operations of the revised code. I believe that as managers of schools survive this fiery trial, and come to know their position better, and as the educational world recovers the heart which it lost during the panic that followed the revised code, many of the disadvantages which have sprung from it will be removed.

MIDDLE-CLASS EDUCATION.

What Central and Local Bodies are best qualified to take charge of and administer existing Endowments for Education, and what Powers and Facilities should be given to such Bodies?

The paper by Sir James Kay Shuttleworth on this question will be found at p. 330.

DISCUSSION.

Mr. James Heywood, F.R.S.: I have a great idea that in our county of Lancaster there is a strong prejudice in the upper classes against their children learning the Lancashire dialect; and therefore I don't think you will get the richer people to found or support an Eton or a Harrow in this part of the country. I was sent to school myself, in the south of England, at Bristol, in order that I might avoid the Lancashire dialect. I remember being teased for my pronunciation of such words as "bull," "put," &c. No doubt there is a great feeling in favour of a large improvement of the endowed schools. There is a wide dissatisfaction against the antiquated system which exists in these seminaries. The difficulty is how to alter it. Sir James Kay Shuttleworth proposes that, so far as legal proceedings are concerned, the Charity Commission

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[illegible] charities, [illegible] immense revenues [illegible] £14,000 a-year, which [illegible] schools recently established) [illegible] in Northumberland in repair. Then there is the case

of property in the old parish of St. Luke, Brompton, worth £430 a year. There is a clause in the Act for the Division of Parishes, which enables parishes that have been severed for certain ecclesiastical purposes, to claim their proportion of original endowments that belong to the old parish. I applied to the Charity Commissioners, to enable my parishioners to obtain a proper share of the endowments of the old parish of which mine had formed a part. There can be no doubt that we were entitled to the proportion, but the application was resisted; and the case has gone on three years without issue. The Charity Commissioners conceived that I was right, but the old parishioners think they have privileges which cannot be taken away from them, and the Charity Commissioners have not power enough in their hands to deal with questions of that kind. Whatever board is established, whatever may be the legislation on the subject, I hope that some day sufficient power will be given to deal with every kind of charity which is evidently abused. I am very thankful to have heard that magnificent paper read by Sir James Kay Shuttleworth. I hope it will reach the highest quarters, and may help to induce the Charity Commissioners to take up the whole question of the recovery of these seventy-five millions of money, for the benefit of the community at large.

The Rev. A. J. D'Orsey: What are the qualifications of members on the existing boards for the administration of education? Medical men generally superintend medical matters; lawyers have a good deal to do with the administration of the law, and in almost every function in which men are called upon to discharge the duties of a board of direction, it is supposed that qualified men are appointed. But with regard to education this is not so. It would be difficult to point out any distinguished schoolmaster in England who has been called upon to take his place either upon a central board, to superintend the operation of educational laws, or upon local boards for the management of educational establishments. Schoolmasters are systematically excluded from educational boards on the ground that they are not fitted by position for such posts, and because, it is said, they are not gentlemen, and they will put forward their own projects, whimsies, and fancies. Sir John this, or Sir James that, the county squire, a mayor, an alderman, or anybody or everybody with a handle to his name and a long purse, is qualified to be a member of an educational board, but the practical schoolmaster, not being a gentleman, is excluded from the discussion of subjects on which he ought to be competent to give an opinion. In any future educational board organizations, the schoolmaster element ought to be taken into consideration as a constituent part of them.

Mr. Thomas Hare: I do not propose to enter largely into a discussion of this question, having introduced what I have to say upon the subject in a paper to be read in the Department of Jurisprudence on Monday. Yet I cannot omit saying that all who have heard the paper read by Sir James Kay Shuttleworth, must feel deeply indebted to him for the history which he has given of tentative legislation upon charitable endowments. No man has had greater opportunities of watching what has been done during the last twenty or thirty years, no man has laboured more for legislation, and no man is more likely than he to be the philosophical historian of what has been done. It was estimated by Mr. Senior that from 500,000 to 600,000 acres of land, chiefly situate in large cities, are dedicated to charitable establishments. Of the whole area within the city of London from one-third to one-fourth belongs to charities; and the actual amount of property belonging to the charities I conceive to be far greater than the estimate. I can walk miles through London, and I can see whole streets which are built upon ground belonging to charitable institutions, including, of course, hospitals and similar institutions. I mention this to show the large amount of property in the country which belongs to charities. In my paper, to be read on Monday, I propose to put an end to the distinction made by the present law of mortmain between personal and real estate, so that whatever property a man possesses he shall have the same power over it, in order that all kinds of property may fairly and readily be brought into the market; and that the landed properties with which institutions are endowed may be sold, except those portions which are held for the absolute use of the school, or the hospital, or the public institution. As to the administration of the estates of endowed schools I heartily concur in the

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[illegible] with those who have gone before [illegible] paper which he has read. [illegible] with the subject in a complete [illegible] to detail the meeting with any [illegible] made from time to time. [illegible] by given in- [illegible] by persons who [illegible] for the exercise of their benevolence. In [illegible] property to be apportioned among-st those of his relatives whose income did not exceed £200 a-year, and it was a very large pro-

perty. The difficulty was in finding the persons who came under the required provision—whose incomes did not exceed £200 a-year, and who had consequently to spend much money every year in wastefulness, frequently in order to qualify themselves for the bequest. Another person left his property to be divided amongst the prettiest girls in the parish. If the incomes of the 19,000 charities of less than £10 a-year each could be amalgamated and devoted to really charitable educational objects, the sum would amount to something like £38,000 a-year. Many of these charities were left for very absurd objects, and many for apprenticeship fees. Apprenticeships were needed in particular trades formerly, but they are hardly needful in any case now, and such properties might very fairly be diverted to some more useful purpose. Many of these charities have become absorbed and forgotten by reason of the difficulty of creating or appointing trustees. If they appointed new trustees, that would bring them under the power of the Charity Commissioners, and though I think that is a salutary power, the persons who have the administration of these charities throughout the country will not go to the Charity Commissioners, and so become subject to a power which may ultimately, as they believe, use the charities for some other than the original purpose. As to educational endowments, I think we shall have to deal with them retrospectively rather than prospectively. I agree as to the injustice of deductions being made in the grants to elementary schools where small endowments have been left for their benefit. If persons about to leave certain sums of money for educational purposes find that this will be the result, and that the amount that they leave will be deducted from the amount that the State would give to the school, they will not be inclined to exercise their benevolence in that way. In many endowments, the money seems to have been left for the establishment of grammar schools, and it has been defined that a grammar school shall be a place in which a classical education is given. In small parishes it has frequently been found, in consequence of the population being smaller now than it was formerly, that there are no recipients for these charities. Cases exist in which stipends to the amount of £200 or £300 a-year have been paid to masters of schools in such districts as these where the scholars have amounted to a comparatively small number. In one case, a clergyman was receiving £300 a-year for taking care of children who presented themselves for education. He was bound to be a M.A. of one of the universities; and the number of children found to be at his school was half-a-dozen. On his taking charge of the parish, he simply gave notice to them to quit, and so got rid of all his scholars, but continued to receive his £300 a-year. In the case of these small grammar schools, the absorption of the stipend in this way is a perfect waste of money, and it would be quite legitimate to abolish the schools; and I would venture to suggest that power should be obtained to discontinue these useless institutions, and to give the money in the form of exhibitions to some neighbouring schools where a larger number of children are educated. It was said, I think, by Mr. Hare, that he would not allow the testator to limit his bequests to any particular object. [The PRESIDENT: Not for all time.] That explanation takes away the sting of the remark. Benevolent persons are actuated in making their bequests by a desire to benefit the places in which they were born. If you limit the time, that is just. I do not approve of interfering with the power of the testator to leave his property as he likes; but I think it is right that there should be a certain time of limit for those objects if they become obsolete. With regard to the remedies suggested by Sir James Kay Shuttleworth, I entirely coincide with him in thinking it a very wise and proper arrangement to establish a department for taking care of the management of these schools: a department subject to the control of the Committee of Council on Education. I do not know whether he intended that that board should deal only with charities under certain values. I do not think that it should include power over such schools as Rugby and Harrow, but they should have power over charities under a certain value. I think public opinion would run counter to having such large charities under the control of a board of that description, though I think they should be subject to some board of inspection, as similar charities are. It seems extraordinary that we should have arrived at the present day, and that no care should have been taken to ensure a first-class education in our grammar

schools. Cases could be cited, again and again, in which there is no inspection, and in which these institutions really cumber the ground. I should be glad to see the inspectors going round to each one of these schools, and reporting on the management, in order that, where necessary, an inefficient master should be shown up, so that public opinion might force such men to vacate offices which they are not qualified to hold. I agree also with the remarks which Miss Davies has made elsewhere with regard to schools for girls. It would be strange if former testators had overlooked girls. We know the importance of female education with regard to the future generation. The education of girls should be cared for equally with that of boys; and I think it is fair and proper that they should partake of the benefits of the emoluments of these grammar schools, so that they may touch a class of the community which is at present little affected. The classes of persons who are left behind under the present maladministration of the charitable funds are children of parents who are too proud to send them to an elementary school, and are too poor to send them to a better school. I think that an alteration of the rules of some of the grammar schools, so as to permit the teaching of not merely ecclesiastical literature, but of general literature, would be a wise carrying out of the wishes of the testators.

Mr. John Jenkins: I entirely endorse the valuable remarks of Sir J. Kay Shuttleworth, and perhaps no better illustration could have been given of the importance of the discussion and ventilation of this question than the equally valuable remarks made by Mr. Hare upon the paper. I refer more particularly to the points to which the special attention of the Department has been directed, the importance of having, in the administration of these charities, the element of local organization and administration. I conceive that to be of the highest importance, for I believe that at present a great number of charities—I have reason to know it—are lying dormant, or their funds are continually being misapplied, because it is nobody's business to take them up, and expose their misapplication. It is an invidious task for any person in his district to go to the commissioners and expose these abuses, but if this task were entrusted to some local organization I believe that all cases of misapplication of charities in the kingdom would be gone into, and would be exposed. All those abuses have grown up from lapse of time or other circumstances, and therefore I cordially endorse the remarks I refer to. Perhaps the only objection to Sir James Kay Shuttleworth's observations is that he has too prominently brought out the idea of centralization. One great object we should have in view with respect to education should be to enlist the sympathies of the different classes in the question, and that would be best accomplished by local organizations. Instead of beginning at the centre and going down to the different ramifications through the country, I would rather see the system beginning with local organization, and invoking the aid and counsel of the central body. I would, therefore, call particular attention to this branch of the subject. I think that in all schemes that may be advanced for the administration of charitable endowments, more particularly for educational purposes, this great principle of local administration is essential to be kept in view, in order to supplement the advantages to be obtained by more central action. We should take care, in legislating upon the great question of the application of endowments to education, that we do not introduce principles inconsistent with the economic character of the times we live in.

The President: I have very few observations to make upon the discussion. All who have heard it must agree that a more weighty and suggestive paper than that of Sir James Kay Shuttleworth has never been offered for the consideration of this or of any other society. No one has a greater right to utter his opinions on this subject than Sir James. If the measures which he proposed many years ago had been adopted by Parliament, there would have been no necessity for this discussion, for many of the evils and abuses which now exist would long ago have been eradicated. There is a school of statesmen, of which my friend, Mr. Lowe, is a distinguished member, who object altogether to these endowments. They consider that it would be far better to leave each generation to supply its own particular wants; and that endowments have the effect of fostering abuses. That opinion is also maintained by the weighty authority of

Turgot and Adam Smith. If the suggestions which are thrown out had been acted upon by previous generations, large sums of money left for endowments, if devoted to educational purposes, might have been made the means of unmixed good; but we have shown almost a superstitious regard to these endowments, whereas it was the duty of the State, from time to time, to have revised them, and directed their employment towards some good objects, which might have been by this means greatly benefited, had it not been for the desire to carry out the wishes of the testators—wishes not always wise at the time, but which become ridiculous when they may have to be enforced many years after the endowments have been founded. What is wanted is a central body with sufficient authority to deal with these questions from time to time, so that endowments may be employed for the public good. I agree with the last speaker that a large use should be made of local boards for the administration of these charities; but that is a very considerable question, with which I have not now time to deal. The revision of these endowments must always be made by a competent central authority, assisted principally by local men. Canon Burgess said a wise thing when he spoke of the extreme jealousy with which powers are granted to public bodies for the public good. Parliament is very chary in granting enlarged powers to the charity commissioners, but no one can be connected with that department without seeing that their powers are far too limited to effect any great public good. They require far more initiatory power, which, without waiting for local action, would enable them to institute inquiry as to local endowments; and that was a very narrow-minded policy which refused to give those powers from the first. Whether the Charity Commissioners shall ultimately have new authority vested in them with increased powers, or whether we shall go to the Privy Council, seems to me a matter of no great importance; but the suggestion that the Charity Commissioners shall be a body of men competent to deal with educational matters, is one of considerable moment. The present commissioners are perfectly able to deal with the questions now submitted to them; but the larger question of drawing out educational schemes, and of uniting charities for educational purposes—if these questions are to be dealt with, they will require the assistance of men specially fitted for dealing with educational matters. The funds of the charities now specially devoted to education, amount to between £400,000 and £500,000 a-year, and a proposition has been made to divert this fund for the elementary instruction of the poor. But I look with jealousy and alarm at any attempt to interfere with the funds applicable to the existing middle class schools. The State has very properly undertaken the education of the poorest classes. I wish the system could be framed to secure more perfectly than now the education of the poorer classes; but I don't despair of seeing, not many years hence, a national system founded. I have no such expectation with regard to middle class schools, of seeing them supported out of the funds of the State. It seems to me these endowment funds are specially appropriate for the support of middle class schools, schools which not only go to improve the education of the middle classes, but afford means by which those of a still poorer class when they manifest talent and energy, may emerge from their own sphere for their own and the public good. I think it is of importance that there should be endowments throughout the country, which will enable the poor boy who has shown remarkable talent to gain the advantages of a superior education up to the highest point, thereby rendering the greatest service to the State. I look upon these middle class schools, supported as they are by endowments, as a means for enabling the poor to arrive at distinction, and as being, therefore, of the greatest importance to the working classes themselves. I concur in the hope that a scheme which has been recommended by the commissioners for the provision of more ample means for the education of our women in connection with our middle class schools, may have early attention. The education of our women is so imperfect, as to be almost a blot on our civilisation. We have treated them as if they were inferior beings; but the time is come when we should admit their right to an education, not exactly in all respects similar to the education of men, but a sound, solid education, very different from the mere flimsy accomplishments which are now supposed to form female education. With respect to small endowments, my own experience tells me that they are very frequently the means of

weighing the school very heavily, and of very often preventing a large amount of voluntary contribution and effort, which would otherwise be extended towards the schools to which these small endowments may have been left; and also frequently preventing the managers from raising money by increasing the scale of fees. Mr. Hare will correct the statement if I am wrong, but I believe the Charity Commissioners have frequently relieved the trustees of these schools from the obligation under which they are placed not to collect local fees. If the endowment is a fixed payment of £10 a-year with no fees, the Charity Commissioners step in and relieve the trustees from the obligation not to raise fees, so no doubt they have got rid of one objection to these small endowments. Small endowments are certainly a matter of very doubtful good to the elementary schools. My own opinion is, that these elementary schools ought to be considered proper objects of national support, and it is to national support, and not to private contributions that we should look. As long as it is not so considered, these small endowments will be the blot upon our national schools. Sir James Kay Shuttleworth's paper is of the highest importance, and will no doubt receive a great amount of public attention, and will help on the time when the question of national endowments will occupy its proper position.

NEGLECTED AND DESTITUTE CHILDREN.

By what means can Education be most effectually extended to the Smaller Rural Parishes and the most Destitute Classes in Large Towns?

Miss Carpenter's paper on this question is to be found at p. 348.

DISCUSSION.

The Rev. W. L. Clay: It was only at the last moment that I presumed to enter my name upon the programme in lieu of a much better one, that I hoped would have appeared there, to open the discussion to-day, and to move certain resolutions. But perhaps you may not consider it an improper thing that a son of John Clay, of Preston, should venture to address a Lancashire audience on the subject of education. Our Committee is anxious that the discussion to-day should not travel over the same ground as that of Thursday. Our wish is, that two distinct subjects should be brought before you. We discussed on Thursday, what should be the future policy of England with regard to national education. We entered into the very important questions, whether it was necessary to have compulsory education, and whether an education rate should be introduced. We nearly all agreed that a great change must take place in our national system of education. In all probability, however, there will be some considerable interval before it can take effect. Meanwhile, the educational shoe which the Privy Council has fitted on to the national foot, in two or three places pinches very sharply; and I want the Department to discuss whether it would not be possible for the Committee of Council to give us immediate ease in some respects, pending the greater measures we look for. The resolutions which I have to lay before you do not pretend to meet fully the case of the destitute classes of the towns, or of the poor rural parishes. I believe, with my friend, Mr. Bremner, that nothing less than thorough and radical measures will do that; but there are certain classes at this moment to whom we can give education, and who will take education at our hands, if only the Privy Council will be a little more liberal to us. What are the classes who are at this moment excluded from education? First, to a certain extent, the children of in-door paupers. All parishes have not yet, though all ought to have, schools upon the plan of that at Stepney, or of that at Southall, for the parish of Marylebone. But we cannot discuss the subject of such schools now. Secondly, the children of out-door paupers. The only Act bearing upon the education of out-door pauper children is the Act called Denison's Act, which empowers guardians of the poor to send the children of persons receiving out-door

relief to the national schools, and to pay the fees. What is the result? Under these powers only about 7,000 children are sent to school, while the whole number of out-door pauper children is fully 200,000; perhaps, about one-half receive some sort of education, but I believe that there are in England something like 100,000 children of out-door paupers who receive no education at all. One way to meet their wants is by an amendment of Denison's Act, the fault of which is that guardians are not allowed to make the sending of the children of the recipients to school a condition of out-door relief. Another fault is that the guardians are themselves required to pay the fees; and one of the most dominant ideas of the present day being "justice to the ratepayers," of course the guardians will not saddle them with any expense they can avoid. To induce the guardians to use their powers they must be allowed to recover the fees paid by them in the first instance, from the Committee of Council, or the Poor Law Board, as may be found most convenient. To do this, however, would require an Act of Parliament, and I fear that if a Bill were prepared, it would only be one of those innocents destined to be immolated before the juggernaut car of another Reform Bill. Then there is the class of children whose parents are apathetic, and who are entirely neglected. We are in some slight degree reaching this class by our industrial schools; and I think we may hereafter extend the system, so as to reach them more completely. But compulsion, which is one of the matters discussed last Thursday—and I will not, therefore, dwell upon it to-day—is the only adequate remedy in this case. Now, I come to the class with which I think we are at this moment prepared to deal—that is, children who are not at school simply because their parents are too poor to pay the fees. The conclusion arrived at by Mr. Bremner is, that nearly half of the children in Manchester who do not obtain any education are of this class. Surely, if the Privy Council will be a little more liberal, we can in a great measure provide for this class. How is it to be done? I have drawn up some simple resolutions which, at the close of my remarks, I will read in full. I will take them now, point by point. First.—At present it is a regulation that any school receiving aid from the Privy Council must employ a certificated master. There has been a great discussion as to whether this is a good rule. I myself should be exceedingly sorry to see the rule broken down. I believe—and my experience is not small—that a certificated master, in the majority of schools, is a great additional security that the education given shall be of a high and thorough character, and I should be sorry to see the rule abandoned. But the question comes, shall we make this a condition in all cases? I think not. I believe that the way to deal with this difficulty will be to take our national schools, and divide them into two classes. I will call them for convenience upper and lower national schools; the upper schools being those that we now have, while the lower should be defined by an alternative definition. Wherever the average attendance at a rural school is under seventy, or wherever the payment of the childrens' fees do not exceed one-ninth of the total expense of the school, I would call it a lower national school. For such schools I would ask for certain relaxations of the Privy Council rules. The first relaxation would be the one to which I have adverted; the non-enforcement of the regulation which requires a certificated master as the condition of a grant being made to the school. I will tell you why. These schools can only afford to pay a rather low stipend, and they are not schools which a high-class certificated master would be like to take. Such masters are proud of their schools, and like to have them frequented by the children of the aristocracy of the working class. They will not, if they can, unless tempted by high salaries, go to schools where there are only children of the very poor; nor can we expect them to go into the rural districts and take small schools. The result is, practically, that the managers of these small rural schools, and of the poorer schools in towns, if they are required to engage certificated masters, can only get those of the lower grades. I say, confidently, that we can get for the same money a much higher class of masters for this description of school, if we may go into the open market for them. That is the first relaxation. The next is this. It is said with regard to the children of the poor schools, that it is utterly impossible for them to come up to the standard fixed by the Privy Council. I believe that is so. But still, we cannot go to the Privy Council and say boldly, "Give us more money on easier

conditions than you do to other schools." Our plea must be "We are taking into our hands certain schools which will be an unusual cost and burden to the benevolent people who support them, because the children's payments come to little or nothing. Give us as much as you give to the managers of schools who are getting from the parents one-third, or even more, of the total expenses of the school." If asked for details, we should say, "Do not enforce individual examination so strictly." In our national schools, as Mr. Lowe has told us, the children under six years are little treasures, because they get a grant of 6*s.* 6*d.* a-head, if they attend on the day of inspection. All above that age must be examined, in order to get the higher grant of 8*s.* What I propose them to ask for is, that in the poorer schools the "little treasure" age be extended from six to eight years. Then, as to the next relaxation, there is no doubt that one great object of the revised code was to save money; but the authors of it presently began to find that as it was originally drawn the schools would still get as much under the new code, as they had done under the old one. They found also that it was very necessary to force up the children as to the higher standards of instruction. Accordingly they have passed a supplementary rule, that unless a certain proportion of the children were presented for examination in the higher branches of instruction, a deduction should be made from the grant. That is a very good rule to apply to the higher national schools, but it is a very hard one to apply to the poor schools. In the case of little ragged children, there is great difficulty in getting hold of them and keeping them at school, and you cannot force them to so high a level as the children of a better class. There are still two more concessions we want. As Miss Carpenter has pointed out, it is most important that there should be industrial training in schools for poor children, we ask therefore a grant towards the expense incurred by the introduction of such training. Again, we want these schools to have the full benefit of any endowments they are lucky enough to obtain. Some one at the Privy Council office has made an obvious mistake in the famous minute about endowments. He forgot that freehold buildings and premises are endowments; that in the case where a school was held in rented buildings, it was only fair that any endowment they might have should not be deducted from the grant, unless the amount of the endowment exceeded the rent they were paying. Miss Carpenter had a kind friend who left a legacy to her school which brought in about £20 a year. When it came into her hands, she thought, no doubt, "Well, I have been fighting hard to maintain the school for four or five years, and this little certain sum coming in will help me." But when the grant was next sent down, she found they had deducted the £20, although the school was held in a building for which she had to pay rent.

The President: Are you not aware that a recent minute has modified the endowment minute, and that Miss Carpenter's school must have had the benefit of the change?

The Rev. W. L. Clay: I confess that I was not aware of the new minute. Very possibly it will render our last resolution unnecessary. However, I had perhaps better retain it till the point can be investigated. I have now only to move the following resolutions:—

"That this Department earnestly requests the Council of the Association to press on the Committee of Council on Education the necessity for modifying the revised code in the following particulars in the case of elementary schools where the average attendance is below 70, or where the school fees do not reach one-ninth of the total annual expenses:—

1. That a certificated teacher be not necessarily required.
2. That the age at which children present at the inspection are entitled to the grant of 6*s.* 6*d.* without individual examination, be raised from six to eight years.
3. That supplementary rules 8 and 9 be not enforced.
4. That where an additional expense is incurred by industrial teaching a grant in aid be given.
5. That when the schools are held in rented premises no deduction be made for endowment, unless to the extent of the excess (if any) of the endowment over the rent.

Dr. J. WATTS suggested, and Mr. CLAY assented to the suggestion, that after the word Department in the first line of the preamble the following words should be inserted, "While strongly affirming that complete provision for national education must be made by Act of Parliament, are nevertheless convinced that much might be done in the meantime by relaxing in some points the Privy Council rules."

The Rev. JOSEPH NUNN: Dr. Watts has raised the whole question by the words added in the preamble. The question is whether there shall be a revolution in the present State Schools, or whether we shall have an improvement of the system. I believe that we want improvement, but not revolution. I believe the statement that one-fourth of the children of Manchester do not go to school because their parents cannot afford to pay the fees is not correct, and I hope to be able to show this in a short time. I wish to make a remark as to the three points of the paper bearing on the Manchester Free School. And first of all as to the material of which that free school is composed. We have been led to suppose from the paper of the Education Aid Society, that the material consists of children whose parents are not able to pay for their education. Now what is the fact? Strangers to Manchester are not aware that a respectable clergyman of Manchester, the Rev. J. Bardsley, says, that when he came to St. Anne's church, there were boys attending the schools attached to that church, whose parents paid the fees, but who were afterwards withdrawn to attend the free school. That statement has been contradicted, but I have no doubt of its correctness. In other cases, boys who were receiving a good education elsewhere, on account of some dispute have been withdrawn and sent to the free school. I don't say they are rich boys, but I do say they are not destitute, and that hitherto their education has been paid for. Look also at the statistics of the school. Out of 268 children who are put down as having never been to any school, there are 41 who are under 8 years of age, and 13 who are about 8 years. There are 481 who have been over 3 years at school. The average attendance at the school is 92 per cent. of the whole number on the books. Now, I maintain that so high an average attendance could not have obtained, except from a class in which the parents are able to pay for their children's schooling. I believe that this Manchester Free School, in Deansgate, has received into it scholars who for the most part might have been educated in other schools, where they would have paid for themselves. As to the religious question, I cannot refrain from saying that the manner in which it was treated on Saturday was shameful. I hope we shall never have our national schools conducted on the principle adopted in the Scotch school, from which the fear of God is excluded altogether. The *summa theologia* of that school is expressed in the proverb, "Honesty is the best policy." It has been said by the Manchester Education Aid Society that we are going back in our education, but I venture to question their statistics. Have they made any allowance for the numbers of boys of the middle and upper classes who go out of Manchester for their education? The manner in which the Manchester operatives behaved in the recent cotton famine is worth a volume of statistics. If the people have not been better educated on the whole than formerly, by what other influence can we account for that conduct? We are threatened with what may come from the effects of the supposed deepness of the national ignorance. I point to what has been done. Dr. Watts has referred to parents who will not educate their children. I will tell him who they are: they are drunken parents. I have found parents who are another kind of men—poor men, honest men; they say they have had no education themselves; they feel the loss of it, and want their children to have it. Now as to these 40,000 children in Manchester who are said to be without any education. John Bright has said "that more than one-half the children of Manchester are growing up without education," the fact being that in every parish in Manchester, I believe there is a school within reach of the people, where they can send their children for 2*d.* and 3*d.* a-week. This statement that there are 40,000 children in Manchester who are receiving no education, who ought to be at school, was made months ago, and has been rebutted. There were said to be 90,000 children between three and twelve years, of whom 45,000 only were found to be at school, therefore it was concluded that the other 45,000 were growing up uneducated. Is that a fact? No; the fact is

that the 90,000 do pass through the schools, though we get a great number of them only up to 9 years, some up to 8 and 7. [The PRESIDENT: You are including those on the half-time system ?] Yes, I am. It is a monstrous perversion of fact to say 40,000 children are growing up without education. It is not true; and I call upon the members of the Education Aid Society, in their zeal for secular education, not to put forth such an erroneous statement.

Mr. LE MARE defended the Education Aid Society from the implied charge that it falsified its statistics. That Society, he said, was composed of persons of all denominations and beliefs, who, seeing the great difficulty surrounding the religious part of this question, and which interfered with the adoption of a system of national education, had agreed to sink their individual views on this point, and to make the suggestions contained in their report. The claims of the Society to be heard were shown by the fact that in the course of the past 13 or 14 months it had been instrumental in educating 20,000 children. The Committee were composed of men who 15 years ago were ranged on opposite sides in the old discussions between the advocates respectively of a religious and secular system of education: but under the influence of the late Mr. Brotherton, who was entitled to mention with the respect they accorded to a Howard and a Shaftesbury, they agreed to lay aside all their individual theories, to throw down the swords with which they had fought, to shake hands, and to see how far they could agree with each other. The Committee worked most harmoniously, and without any disagreement. As to the religious difficulty, as it was called, he believed it was more made for the poor parents than by them. The Society always said to the parents, "Choose your own school," and they did so, and he was not aware that any of them ever desired that the instruction should be purely secular. Personally, he strongly objected to the principle of the Glasgow school, which, if carried out, would ignore religion altogether, and, instead of raising the people to the highest standard, would reduce them to a condition truly irreligious.

The Rev. G. BOWDEN said they were all agreed, except on the question of religious education, and on that question he was prepared to accept the compromise suggested by Mr. Oakley on Saturday. He saw no reason why the children of the Roman Catholic, the secularist, and the Jew, should not meet together in the same school, if something like a conscience clause were in operation. Under a compulsory rate, where new schools were formed, he thought the grant should be given to secular schools as well as others, but he objected to the secularists being allowed to override every other denomination. If they had a local rate or Government aid for the education of the children of the poor, there should be power of ensuring attendance. He disliked a mere secular system of education, and urged the maintenance of the Bible in the schools as a reading book. A conscience clause would meet the whole difficulty. A national system of education without the Bible would simply substitute the pen and the begging letter for the crowbar and the centre-bit, with a plentiful crop of clever members of the "long firm," cookers of balance-sheets, and extensive gamblers in commercial schemes.

Mr. CHARLES SWALLOW (Manchester agent of the Bible Society), described the efforts made in the direction of the ragged school movement in Manchester and Salford, and said they could do still more good with government assistance. Much benefit had arisen during the past ten years by the closing of cellar dwellings in Manchester. In 1856 there were 4,081 such dwellings in Manchester, containing a population of 18,378, whereas last year the number had been reduced to 2,762, containing 11,048 inhabitants.

Mr. LEPPOC denied that there was any foundation for the interference which Mr. Nunn's statement conveyed, that their Free School was composed of children whose parents were able to pay school fees.

Mr. ELIJAH HELM said, what they especially wanted for the children of the poor was an elementary system of education, no matter how given. The great difficulty experienced in the Sunday school was the necessity of teaching the children to read and write, instead of devoting the little time they had to religious and moral truths.

The REV. J. V. B. SHREWSBURY said they should endeavour to secure a

broad and catholic legislation. If the principle laid down dogmatically that it was necessary that the Bible should be taught in our national schools were conceded, then we could not escape from the conclusion that, in dealing fairly with all under our sway, we must teach error—what we considered to be error—as well as truth. He wished to say that he had been a little misunderstood in what he said on Saturday as to the Sunday school and not the day school being the place for religious teaching. What he intended to say was, that if the State compels the education of the neglected children of the poor, the religious element of education would have to be left in the hands of the clergy of all denominations, by means of Sunday school and other agencies.

The Earl of Shaftesbury: The origin and conduct of ragged schools are so very peculiar, that no one who has not been practically conversant with their working in all their details for many years, by going to the schools themselves, can form a correct estimate of their character. The grand basis of ragged schools is religious teaching. There is a certain amount of elementary teaching in reading and writing. One gentleman who has addressed us, has spoken as if the chief instruction in ragged schools was in the evening, but there is a great amount during the day, although there is a certain amount of evening instruction, and a certain amount of Sunday schooling. But the grand basis of ragged school instruction is religious teaching; the religious teaching of what is known as Evangelical doctrine. There are in London 250 schools, in which 30,000 children are being instructed in the grand Evangelical docrines. [The President thought Lord Shaftesbury was somewhat travelling out of the subject of discussion before the section.] I wish to show that this being the character of ragged schools, government cannot interfere without changing these fundamental characteristics, because government, if it interferes, cannot allow any peculiar form of teaching. [The President. If there is religious teaching at a school, it is taken on the statement of the managers, and government never inquires whether it is evangelical religious teaching, or whether the religious teaching is conducted on other principles.] I am only showing what are the peculiar characteristics of ragged schools. If the inspectors were to interfere, I am sure the whole system of ragged schools would be broken up; they would fall off, and ragged schools would enter into a new system. The peculiar characteristics of ragged schools are suited to the character of the population. They don't assist children who have a recognised home, who have parents, but children wandering about the streets, and who are there because they are deserted by their parents, or because their parents don't take care of them. The character of the London poor class population is that of a wandering population. There are from 50,000 to 60,000 children who are continually on the move—having no settled homes. They are going in all directions, and you cannot catch them in schools where there is any strict rule of discipline, where regularity of attendance is an object. As a rule they are irregular in their attendance. They come on the Wednesday, but won't on the Thursday. We connive at it, and are willing to make these concessions, if by any means we can get these children into the ragged schools in any numbers. If time allowed, I might show the mighty results which have been accomplished. I might point to the hundreds and thousands who have been sent out as emigrants; to the many for whom places of work have been found, none of whom have been returned on our hands, and of none have we had complaints. But this I grant (I won't touch upon religion), we do not pretend to say that we develop to any great extent the literary or intellectual acquirements of the lads by imparting secular knowledge. What we do is to develop their affectiods in the most singular manner; and I will not hesitate to say that a better moral training is given to a large proportion of the children than is found in any other class of schools, from the highest to the lowest throughout the country. I could give you instances showing how the affections are developed. Several lads were sent out as emigrants. Six or seven years afterwards I received a letter through one of the teachers of the school from which one of these boys had been sent, stating that the writer had got on uncommonly well, that he had purchased some land, and had just bought two rams, one of which he had named Lord Ashley, and the other Lord Shaftesbury, so that I may be supposed to be always wandering over the pastures of the New

Zealand sheep walks. The masters and mistresses of the ragged schools have great zeal for their work, though exposed to great obstacles. Many of them would not be able to stand before government inspectors to obtain their certificates; but they are persons who have a knowledge of the human heart, and power to elicit the affections. They thus acquire a great hold over the children. I have seen children who have been almost ungovernable on entering the school, but who have, by the kindness with which they have been treated, been brought in ten days to such a state of order and obedience, and to such an enthusiasm for their teachers that, if necessary, they would mount the funeral pile. We have by these means given an education to about 30,000 children in London who may be said to have been taken out of the gutter. I do not say that better means will not be devised, but it will not be by bringing these children under Government control, and letting them participate in the public money. We are meeting a great evil. From the testimony of the police courts, and other evidence, I am satisfied that if it had not been for this movement during the past twenty-one years, London would, ere now, have been almost given up to an ungovernable mob. I was once in conversation with one of the greatest thieves and burglars in London, who was telling me his whole history. I asked him what he thought of the ragged schools? He replied—"They are destroying the whole market, for we cannot now get the same supply of children we formerly did. They have positively cut up the whole market."

The Rev. Nash Stephenson: I wish to bring before the section that which seems in danger of being lost sight of—the failure of the present government system in dealing with rural parishes. As the Committee of Council on Education tell us, there are at work at different occupations in England 1,246,058 children who ought to be at school, increased last year by 112,764 children. Where are they found? Are they found in rural or town parishes? I say that they will be found rather in rural than town parishes, because the town parishes have schools which are almost all self-supporting, but small rural parishes cannot meet the expenses of their schools, which are out of all proportion to the subscriptions received. I want to know whether government will not do something to meet this want? "Oh, but," says the government, "we have at the present moment 9,251 certified teachers." Yes; but we have in England and Wales 17,000 parishes. I will not say that every parish should have two schools, but so many parishes so many teachers; so that we ought to have 17,000 certificated teachers to meet existing wants. We have the authority of Mr. Moncrieff for the statement that small rural parishes suffered most by the introduction of the revised code, in consequence of the decrease in the grants to the schools. Now, the remedy which I venture to propose with regard to rural schools is, in the first place—and I think it has been advocated by the President—that a very much larger grant should be given to those who pass the examinations. That would meet the case we are discussing. A certificated teacher will not come to a rural parish because he gets a larger stipend in a town school. Then comes the question whether it is necessary to provide, in out-of-the-way neglected places, so expensive a machinery as certificated teachers? I desire to employ certificated teachers; but is it not a loss of power to employ them in these small parishes? I propose that we should have payments from the government for uncertificated teachers who are able to show that they can teach and take care of children in these small rural parishes, we undertaking that the grant shall not be earned unless an average number of children on examination pass the standard of the revised code.

The President: Mr. Hernaman, in his last report to the Committee of Council, has shown that it was most unfair to attribute the inadequacy of the schools in the rural parishes to the operations of the Committee of Council. He gives instances of the gross neglect of clergymen and landlords in rural parishes, and says, that it is not the uncertificated teacher that is wanted, but a conviction on the part of the owners of property and clergymen that the services of a certificated teacher are necessary. Experience has shown that a good master, such as the certificated one, almost always gives to the children of a school considerably more knowledge than an inferior teacher, while he inspires higher principles of action, and, indeed, infuses new life into the parish. The State does not

undertake the whole cost of education, nor its entire responsibility, but, acting through its representatives, it takes measures to improve education. That is at the bottom of this rural question, and of the ragged school question. One of the principal points in the management of ragged schools, as stated by Lord Shaftesbury, is that they are doing the work of altering the heart of the child. The State does not come to this religious work, but gives an intellectual education. Every speaker has insisted upon the importance of the work done by the ragged school. I admit it; but can the State authority establish side by side two systems of school discipline, and demand efficiency from one without demanding efficiency from the other? Parliament has always strenuously resisted any attempt to lower the standard of education. It considers that one of the strongest means of keeping up the standard is the employment of certificated masters. The country school manager says he cannot afford to engage a certificated master; the ragged school manager says the certificated master is not a proper instructor for his school. If this is admitted, it seems to me to prove that that particular department of the State which is entrusted with the money is justified in its refusal to assist in these exceptional cases. The whole discussion, however, shows that we want a more elastic system than the Council can grant. We want a system that will reach every species of school. My belief is, that if you carry these resolutions you will run the risk of breaking down a system which has done good in one direction, and will possibly deprive us of the last chance of obtaining a really national system of education; for we want every force and power to overcome the disinclination of Parliament to give us a national system. The great difficulty at the bottom is the religious difficulty. My own opinion is, that over and above the encouragement which might be given to the denominational system as it now exists, we might have a system of education based upon an acknowledgment of Christian religion, yet at the same time securing complete religious liberty to every subject of her Majesty. We might have the Bible as a class-book. There are no stories more intelligible, and more calculated to work strongly on the hearts of children, than the stories of the Bible—there is nothing so simple, so touching; and a selection of Bible lessons would do great good. My great wish is to see a union of the religious bodies in favour of some such system, so that we may see an end to these fatal divisions upon a subject which, important as it is, is incomparably less important than the education of the whole nation. I hope that the feelings expressed in this meeting, though not unanimous, are preponderating greatly in one direction, and may be received as a fair specimen of the feeling animating the whole country, and that, through the country, it will animate their representatives in Parliament when it comes to be discussed. I cannot sit down without one word of reference to the able speech of Mr. Nunn as to the statistics of the Manchester Education Society. And in saying this I hope I shall not be suspected of any feeling against that society. I look upon its labours as of the utmost importance, and I wish such a society were formed in every city of the empire. At the same time I think it impossible to deny that Mr. Nunn made a very important point, and one deserving of consideration from every candid person, when he suggested that, in the estimated number of boys in Manchester who are receiving no education, no deduction has been made for the children of the more wealthy residents whose sons are sent to schools away from the town. I have made the same objection to some gentlemen myself, and they have replied, "Yes, there are a certain number who are educated out of Manchester, but we consider that they are counterbalanced by those who come into Manchester, who amount to a considerable number, but who are not included in the return." I think the answer is a sufficient reply. Then there is the objection, that unless all the children between the ages of 3 and 12 are at school simultaneously, you must inevitably find that a certain proportion of them will be stated not to be attending school at all. I cannot deny that there is a great deal of force in that argument, and therefore there is some reason for doubting whether it is a fact that these 40,000 children are receiving no education at all. If there are 40,000 children in Manchester who are neither at work nor at school, it is an important argument in favour of the adoption of some system of compulsory attendance at school. There is at least ample evidence of the great number of people among the working

classes who are utterly indifferent to education, and who will not send their children to school, and therefore, that our present system has not succeeded in reaching the masses.

PAROCHIAL LIBRARIES.

Mr. George Harris read a paper on "Parochial Libraries for WorkingMen, in Small Towns and Rural Districts." The advantages secured by the plan he advocated would, he said, be twofold. 1. In the first place, access to a carefully selected library would be afforded to every person, so that, as soon as he had learnt to read, he might at once turn his acquirements to account and employ them in a way both useful and agreeable. 2. There would be placed within the reach of every working man, books containing information upon certain useful and practical subjects, with which it was desirable that all persons of that class should be acquainted, but which the generality had at present no means of obtaining, even had they the requisite knowledge of what books were required. It was notorious that many persons who in early life had learnt to read and write, in the course of time wholly forgot what they had been taught. This arose from their neglecting to make any use of their acquirements, which, from having no books of an attractive nature within their reach, they had little or no opportunity of exercising. Even among the higher classes a corresponding result might be observed. The error in the educational system of the present day consisted in this. While an opportunity was afforded to every person to learn to read and write, and to secure which enormous sums were expended by the State, no care whatever was taken, which might be done at a very trifling cost, to enable these persons to turn their acquirements to any account.

It was of course desirable, and indeed essential, that the books in the proposed libraries should, under proper and necessary restrictions, be allowed freely to circulate, so as to be read at home, and made available to the families of those for whose benefit they were intended. Some might perhaps object that working men were fully competent to provide for themselves the few books that they stood in need of. But, in the first place, were they always well qualified to select the particular works most desirable for them to read? And would not many a person be glad to read the different books that he could procure without cost, although he would be unwilling, possibly unable, to buy them? Besides which, the size and expense of many of the works suggested for the proposed libraries placed them beyond the reach of the generality of men of this class. Reckoning the proportionate cost to the country of education as it was now conducted at £97, the expense of the plan proposed might be calculated to amount to £3, which would be sufficient to carry it out in the most complete manner. Should we neglect to make up the £100 on account of this trifling extra sum, and by which alone the larger expenditure would be rendered available? If regarded as an experiment merely, it was surely worth the trial. Every parish at least ought to be

supplied with such a library by a Government grant of books in the way proposed. Institutions also, which had been established for a year, whose members amounted to 100, or whose annual subscriptions amounted to £20, might fairly be entitled to such a grant, which would no doubt form a great inducement to other members to join the society. A certificate from the mayor, resident magistrate, officiating minister, president or secretary of the society, stating that the requisite conditions had been complied with, and guaranteeing the proper use of the books, might reasonably be required before making the grant, and would operate as a security against fraud or imposition.

He had submitted the plan to the secretaries of Working Men's Institutes and other promoters of education, and had received their cordial approval of the scheme, though some objections had been raised. Of these the chief were:—1. That the Public Libraries' Act provided everything that was required of this kind. 2. That it was no part of the duty of Government to supply a want of this nature, and that local taxation was the proper and only method by which the funds could be procured. 3. That the plan ought to be carried out by a private society and not by Government. But as to the first objection, the Public Libraries' Act, though it met the requirements of large towns, was wholly inapplicable to the case of small towns and rural villages. As to the second, if it was the duty of the Government to make a large grant for the promotion of education, it was clearly within its province to make a small additional grant to render that education efficient. And the third objection was met by the question,—ought the means of instruction for a large portion of the population to devolve on chance and voluntary liberality, or on the State?

EDUCATION IN JAMAICA.

Mr. Charles Plummer (of Berlin, Jamaica), read a paper on "Jamaica, its Education and Educational Endowments." The work of instructing the slave population was begun by Moravian Missionaries in 1784, but the planters were hostile to their proceedings. In 1816, the rector of the parish of Clarendon, who had 18,000 souls in his care, had made an offer to all the principal proprietors in his parish to instruct thir slaves, but only two or three would give their consent. Had he gone to work without their consent, he could have been treated, according to law, as a trespasser and a vagabond. The rector of St. Thomas-in-the-East, with 26,000 slaves in his parish, met with no better encouragement when he proposed to educate the creoles to the end that they might educate the blacks. Whilst the Moravians laboured in the rural districts, the Wesleyans, commencing in 1789, essayed to instruct the town slaves. But the planters brought the law to bear on them, and it was made an offence, punishable by a fine of £20, with incarceration till it was paid, to have a slave in their congregations. The Baptists,

when they began their work in 1813, had to encounter the same malignant opposition, and it was not till 1815, after the anti-educational measures of the colonial legislature had been repeatedly disallowed by the King in council, that the instruction of the slaves began to progress. From that time the work prospered better, and in 1824 the Moravians had four, the Wesleyans eight, and the Baptists five, mission stations. The Church Missionary Society, the Scotch Secession Church, and the London Missionary Society had also stations. At the same period also the newly appointed bishop of the island gave a great impulse to education. But the hostility of the planters, though no longer open, was still continued in secret. They got in as trustees of the endowed schools and contrived to keep out the slave children : they kept down the annual education grant from the legislature to £3,000, the pittances doled out from which as salaries to the teachers were not more than from £5 to £10. In consequence of their policy, there were many districts in Jamaica still without schools. Besides the State-aided schools, there were nine endowed ones. 1. "Woolmer's Free School," in Kingston, with an income of £1,044. This was now open to the blacks, and 500 children of both sexes received in it an excellent education under the head-mastership of a black clergyman of the Church of England. 2. "Beckford's Free School," in Spanish town. This was almost in abeyance from mis-management. 3. "The Jamaica Free School," at Waltonpen in St. Anne's, with an income of £996, was an exclusive School for the sons of gentlemen. 4. "The Titchfield Free School," in Portland, the trust of which had been so much abused that the school existed in little more than name. 5. "Manning's Free School," in the parish of Westmoreland, with an income of £472, one of the most useful elementary schools in the island, owing chiefly to the fact that the trustees were not exclusively planters. 6. "Russia's Free School" in the town of Lucia,—a school similar to Manning's, and like it, open to all classes. 7. "The Vere Free School" in the parish of Vere, the endowment of which, after having long been useless, had recently been diverted to the establishment of efficient district schools. 8. "The St. James' Free School" in the town of Montego Bay. This too being in the hands, not of planters, but of elected trustees, was a most useful institution. 9. "Munro and Dickenson's Charity" originally worth £130,000, had been wasted down to about £30,000 by unprincipled trustees; nor was it till 1855, after a lapse of 35 years, that the trust was at last applied to educational purposes, by the establishment of two boarding schools, in one of which 16 boys, in the other 6 girls were educated, at an annual cost of about £50 a-head. These nine endowed schools were all in towns. The plight of the rural schools was most pitiable. "If you visited," said Mr. Plummer, "one of our country schools, you would find the poor teacher an ignorant man, not even decently clad, with his ragged pupils around him, and probably one book amongst them, and in a great many instances without any book at all, and unprovided with either desks, or even benches.

This is one of the class of schools supported by Government, the teacher of which gets for his salary a £10 note."

MIDDLE-CLASS EDUCATION IN RURAL DISTRICTS.

Mr. JOHN JENKINS, Barrister-at-Law, read a paper entitled, "Middle-Class Education in Agricultural and Rural Districts, with Suggestions of a Scheme for its Extension," the object of which was to suggest a better provision than now existed for middle-class education in country districts. The first part of the paper gave a sketch of the present provision for education in both the poorer and more wealthy agricultural districts, indicating the two main obstacles to adequate education to be:—1. The sparse distribution of population. 2. The limited means which the farmers and the middle-class generally, in districts where small farming is the rule, can command. After briefly examining the two methods that suggested themselves for meeting these difficulties, viz., voluntary and legislative action, he proceeded to detail his scheme, which was based on the principle of permissive legislation. He also strongly insisted on the necessity of establishing institutions for ulterior or adult education throughout the country, and a considerable portion of the paper was devoted to showing the importance of collegiate education to the middle classes generally. The scheme was embodied in the following propositions. In the first place an "Education Act" would be required enabling the inhabitants of a district to tax themselves for the erection and maintenance of middle-class schools. On the petition of a certain majority of the ratepayers to some central authority, the Act would be declared in force in the district, and a "school board" would be constituted with ample powers, including power to borrow money from the Consolidated Fund, to fix the rate of school fees, &c., subject to the approval of the central authority. On this plan he thought a good education might be given for from £3 to £6 a-year. On the supplementing of local energy by central organization he laid great stress, trusting that the "central authority" would soon be provided by the appointment of a minister for education. On the central authority would devolve also the duty of inspection. When the school course was completed he was anxious to have provision for the continuance of the education of the agricultural middle class. For this purpose he advocated colleges on the plan of King's College in London, and Owen's College at Manchester, which enabled the students to follow, to some extent, their own business at home while preparing for the periodical examinations. The "Education Act" was to give the court of quarter sessions, and in corporate towns the town council, the power of initiating measures for the establishment of such colleges, the administration of which was to be entrusted to "collegiate boards" analogous to the "school boards."

MISCELLANEOUS.

The REV. CANON TOOLE (of St. Wilfred's, Manchester) read an able paper in favour of the view that religion is an essential element in the school education of the poor. It has since been published separately.

Mr. JOHN ANGELL, read a paper "On the Importance and the Best Method of Teaching Natural Science as a Fundamental part of Juvenile Education." He thought that the three branches of natural science most likely to be of practical value in the training of the young were chemistry, animal physiology, and social economy. On the data furnished by the two latter sciences might very easily be taught a system of moral philosophy, which would do much to implant in the youthful mind an intelligent conviction that a selfish, untruthful, immoral, or sensual course of life cannot, under any circumstances, prove to be of real profit to the individual, or conserve his ultimate happiness, however powerful or influential he may become. In regard to chemistry he urged that the proper way to teach it was not by books, but by introducing the chemical bodies to the notice of the pupils, and causing them to ascertain by their own observation, and express in their own unaided language, the result of such observation. Previous to the performance of such experiment, the teachers should see that the pupils had the clearest ideas possible to them at that stage of the proceedings, of the bodies on which, and the apparatus by means of which, he was conducting the experiments. He believed it to be a great mistake to suppose that young children were relatively deficient in reasoning power. The flood of questions with which they meet every new circumstance or phenomenon which is brought before their notice should be sufficient to dispose of this error.

Dr. HODSON read an admirable paper "On the Pressure for Employment among Women of the Middle Class," which has since been published in *The Museum.*

HEALTH.

Report of the Standing Committee of the Department.

IN the proceedings of our own Association and of other kindred societies, questions of public health are observed to be very fast opening up, and to be better understood. A wide-spreading public opinion is being formed, and with it also a special education of the people. Reviews, newspapers, and magazines of all shades of opinion, of all sides of politics, for the rich as for the poor, for the educated as for the uneducated, agree wonderfully in pressing forward the great health reforms of the day. A high authority, lost to us lamentably early, Mr. Buckle, has said, "that to maintain order, to prevent the strong from oppressing the weak, and to adopt certain precautions respecting the Public Health are the only services which any government can render to the interests of civilisation."

It would be invidious to exalt one Department of this Association at the expense of others. The question of Public Health, however, cannot be taken alone. It brings with it questions of religion, of morals, of worldly circumstances, of high or low tone of honour, of manners, of independence, of feeling among at least the lowest ranks of our fellows. It is a fact that the conditions of locality, of lodging, of education and association make among the poorest all the finer qualities of humanity nearly impossible. With court and alley dwellings such as they are, all the benevolence and all the wise arrangements we are capable of, will be little else than a vain and vexatious work. Change these conditions, as with adequate conscience and adequate money they may be changed, and have a wise and frequent visitation by good officers, under a sound local authority, who shall say what we might not arrive at, especially with the thirty-fifth section of the new Sanitary Act to help us? Through this question of Public Health we get glimpses we never had before, of our duty to our neighbour, and it unmistakeably tells us who that neighbour is, and that his welfare is bound up with our welfare. As Carlyle says, "They claim relationship by conveying to us in a fatal brotherly way their diseases and their mortality." They will be relations, whether they are friends or not. In all this work of improving the condition of the lowest, the golden sayings of Christianity are translated into actual deeds.

Among those who are carrying on this work, let us speak first of the Ladies' Sanitary Association. Since its commencement nearly a

million of admirable tracts, plainly written and interesting, have been issued. The association has given lectures in the poorest neighbourhoods. One of the members, Mrs. Fison, giving most of her time during three years, went lecturing and explaining health matters, into at least fifty of the towns of England. Not by any means rich, with but £18 in hand according to the last report, this association makes its benevolent existence felt by the zeal and patriotic spirit of the distinguished ladies who are its most active members.

The Metropolitan Sanitary Association, which is also affiliated to our own, aims at bringing together in friendly connexion the members of public bodies engaged in administering the sanitary laws in London. They press for amendment of defective laws, and for a more effectual and willing administration of those we have. Its influential deputations, so well received by the heads of departments of the last and present ministries, have without doubt done good service. The association has shown in one pamphlet that fever should be taken as *the test* of unhealthy condition and lax administration in low neighbourhoods. Its last act was, at a crowded and earnest meeting held a fortnight ago to discuss cholera, its causes, and the condition of our lowest classes in connection therewith, to appoint a deputation, the Bishop of London at its head, to the Home Secretary, to ask for a Royal Commission to investigate the sanitary condition of London—a commission intended not to spend time in much further inquiry, the sad facts lying everywhere at hand in profusion, but to put the information we have into coherent and forcible shape, and to stamp it with high authority. Such a commission might probably obtain a consolidated and clear law, better local administration, more encouragement to extensive destruction of unwholesome and erection of wholesome dwellings, that radical change which alone can do away with the enormous sanitary evils lying everywhere at the base of our social system.

The Epidemiological Society has both held discussions and proceeded to action in connection with cholera, with small-pox and vaccination, with the sanitary state of the people of India (a seed-place of disease for us, as is already but too evident), with scurvy and dysentery, with fever and the cattle-plague.

The Metropolitan Association of Officers of Health, frequently meeting, brings the practical knowledge of its members to bear upon many questions interesting to this Department—questions as to new and improved sanitary law, more efficient administration, and greater facilities for efficient action; the impurities of water and its analysis; the poisons which produce epidemic disease; the origin and spread of disease, especially cholera, in and from the filthy encampments of the pilgrims frequenting the shrines of India; the dwellings of the poor; judicial decisions touching sanitary matters brought before police magistrates. The knowledge and activity of this body were not without visible effect in the discussions on sanitary matters in the last session of Parliament.

The fame of the Sanitary Association of Manchester and Salford has extended far beyond the boundaries of this city. The zeal and judgment displayed in its systematic working renders it worthy of imitation everywhere. It is to be hoped that an account of its proceedings will be given at this Congress. The establishment of like associations in every district of town and country is to be desired. They may now find a new field for exertion, in connection with the 18th and 49th sections of the new Sanitary Act, the former of which makes the requisition in writing of ten inhabitants the means for moving the authorities in the case of injurious and offensive trades, while the latter gives an appeal to the Home Secretary in case of the neglect of the local authorities.

The British Medical Association, through one of its branches, is very actively employed in discussing and practically promoting the objects we especially have in view; and the same may be said of the Society of Arts.

As to offensive trades, this Association has not the least desire to obstruct or extinguish those which in themselves are of necessity offensive or injurious, and yet must be carried on. Given the necessity, the Association desires to discuss questions of suitable locality, and the efficacy of remedial means and appliances. The feeling lies rather this way—that all such trades must use the best known appliances, tending to ensure the safety of workers and neighbours; or they must be carried on far away from thickly-inhabited districts. This last condition in these days of free railway communication is by no means so difficult as it appears, or as it formerly was. A very clear example, almost beyond imagination, as to the possibility of new discoveries, tending to make trades harmless, or nearly so, which before were dangerous, may be seen in that of mixing finely powdered glass with gunpowder. This impressive fact should impel us towards at least attempting like discoveries in all dangerous and offensive trades; especially as it so often turns out that that which appears to be waste and offensive, may be rendered by new discoveries profitable and useful. It may also be remarked that so long as these trades are permitted to be carried on in a slovenly, wasteful, and harmful manner, without penalty, so long will they be so carried on, to the injury of the community, and to the discouragement of enlightened masters who would with fair play do otherwise. No one can so easily tell as those engaged, masters or workmen, in trades one way or another injurious and dangerous, how remedies might be found out and applied. Probably prizes might stimulate those actually employed to give attention to it. We know how often important improvements, simple as they are important, have been discovered by humble workers. A sort of Victoria medal might well be bestowed upon discoverers of means whereby industrial life might be saved.

The *Lancet* Sanitary Commission demands, not this year, however, for the first time, notice from this Department. As formerly on the question of adulterations, so now on the condition of workhouses, and on the water question in its bearing on cholera, it is doing a

most important work. It seems that even in great public institutions a most wretched condition of things may exist for years without adequate notice or amendment. The stranger from outside has become the means of a tolerably complete knowledge of the evils in workhouse infirmaries—a knowledge which may prove, let us hope, half the cure. No doubt the present poor-law system came after ignorant profusion and perhaps the most vicious public management of alms that this country ever witnessed. It naturally went to the opposite extreme. Economy is now the dominant principle. It is, however, necessary to be just to the parsimonious local bodies now at once administering relief to the poor, and neglecting that sanitary work which, if done, might tend to help the lower people out of their sad condition. Unequal conditions of taxation for the poor are complained of, and the serious consideration of some different mode of rating throughout this country may reasonably be asked for. Certain it is that any laws would fail to work if administered unwillingly by men who believe them unequal and unjust. This question must be set at rest if poor-law matters connected with health are to be administered with humanity and fairness.

The reports of the medical officer of the Privy Council demand consideration, as an explanation of laws just passed, and a foreshadowing of laws yet to come. Questions of the highest import are there discussed upon the best basis—that of facts; every student of the social and sanitary conditions of this country should study well these invaluable reports.

The last report speaks of improvement—probably it is a very trifling improvement—as to vaccination. The Bill to consolidate and amend the statutes relating to vaccination was withdrawn, and it was well; for in this Bill was repeated the error of the former ones, namely, the endeavour to screw out a most important and very troublesome service at a stinted and insufficient price; the operator receiving the insufficient remuneration being himself the only judge and reporter of the success of his own operation. Happily opportunity may now be afforded for a further consideration of this question. Notwithstanding all the discussion the question has already had, a little more is required before we can expect a really practical Act of Parliament. In this country vaccination was discovered, but we are not the less behind in carrying it out to a successful issue. The Society will probably consider this question fully before we meet again. The housing of the poor in country places has before been fully reported on by Dr. Hunter; and now information is given as to London and other great towns. The more important facts that come out of the investigation are—first, that there has been "insufficiency of law," an evil partly amended by the Sanitary Act just passed, and still further to be amended by the contemplated improvement and consolidation of the laws relating to health; secondly, there has been contravention or neglect of law, both on the part of the people and of their local administrators. How far the new Act may amend this will be seen in present and future decisions of magistrates, and in the result of appeals to the

central authority now first permitted; a permission which implies that many of the evils at present beyond control are so chiefly for want of a higher public spirit, and a greater readiness to spend money in improving home conditions. Hitherto the evils of overcrowding, and the use of dangerous and absolutely improper dwellings, have been practically uncontrolled in England.

In all public improvements, railway clearings and the like, the better classes who are disturbed have a money compensation, while the poor, who suffer an absolute loss of home, and probably of health sometimes, have so far no compensation in pocket or otherwise. An exceptional case must be noted. In the Kensington Improvement Act, 1866, sect. 42 provides eight weeks' notice to labouring classes before taking their houses, and sect. 44 reasonable compensation. Another, which happens to be a railway Act, provides for an eight weeks' notice, but no compensation.

In England, with its great commerce, it would be useless to attempt a very strict system of quarantine, and nothing less would keep out certain diseases. But whenever pestilence comes from abroad, it usually attacks first, and by preference, places fitted by ignorance or neglect for its reception and propagation. Here, then, chiefly lies our duty—to make all places and their inhabitants, as far as possible, proof against the pest; absolutely proof they can never be made, but comparatively they can. It is marvellous how much may be done with money and willing intelligence.

The principle of Acts of Parliament called permissive claims notice. Permission to act means, of course, permission not to act, and so far this is too generally the result. The Lodgings Act (1851), upon which is engrafted the recent Loan Act, is a case in point. Very many of the great evils we complain of might probably have been remedied by the willing carrying out of this all but unworked Act of 1851.

It is significant of the growing conviction as to the necessity of sanitary legislation that, during this last session, with so little work really finished, no less that eighteen public Acts, and some private ones, more or less connected with public health, were passed, and among them some of great importance. That the Labourers' Dwelling Bill, brought in by Mr. Torrens, was withdrawn, is not altogether to be deplored, for perhaps in the next session we may have a more complete Act, containing the best provisions of his Bill, and of that prepared by our own Association. The Duke of Buckingham, as Lord President of the Council, stated to a deputation that some such Bill was, in his opinion, necessary as a supplement to the Sanitary Act. Let it be quite understood that no Act which will not admit of the boldest and most decisive action with respect to the removal of unwholesome, and the erection of wholesome, dwellings, will be of any real service. For this purpose the building Acts will, no doubt, require a complete revision. They are very stringent as to fire, whereby, no doubt, a life may now and then be saved; but, on the question of sickness and death from damp, from want of air, from unwholesomeness below and

around, from vicious construction, from bad materials, from bad workmanship, the Act might almost as well have been never passed. They are not, of course, destitute of sanitary provisions; but under the shadow of their authority, or their neglect, the most unhealthy, the most flimsy, houses are built for the poor. Local Acts prevail here and there, and being well worked, are appreciated; but, elsewhere, new houses by the thousand are being run up, now or shortly to be utterly unfit for human habitation.

The necessity of a Professorship connected with Public Health, or, as it may be called, preventative medicine, in every medical school, is becoming daily more and more evident. So the actual causes of disease might have that practical and common-sense elucidation, which has not yet been approached. The prevention of disease by an intelligent investigation and removal of causes would be taught. The future medical officers of health would have a training. At present almost all who are leading in this direction are self-taught. It is for the examining bodies to declare that they will examine upon the subject of Public Health, and then, no doubt, this step will be taken.

Many of the points of the Sanitary Act already referred to appear to be of the utmost value. This was the case, however, with former Acts of the same kind; but, when brought to the test before magistrates against obstinate, obstructive individuals, they were and are too often found to have a large trouble-producing power, coupled with a most provoking want of efficiency, very discouraging to non-legal persons on local boards. This Act will, of course, have to go through the same continuous ordeal. Many excellent and favourable decisions, however, have been already obtained from the magistrates of the metropolis. Dr. Stewart and Mr. Jenkins will bring the general subject before the Department, and consequently no further remark will be here made, except to note the exceedingly valuable provision, in clause 35, as to the registration and regulation of tenement houses by the local authority. Landlords complain of their filthy, destructive tenants, and not without reason. This clause will press the occupier towards a more careful and cleanly occupation. Landlords and local sanitary authorities are not foes, if they could only understand and help each other.

"The Labouring Classes' Dwelling-Houses Act, 1866," intended to encourage the rapid and extensive erection of such dwellings as the title implies, by means of government loans, at a low rate of interest, seems already to fail in both points. The encouragement is hampered—the rate of interest is not low. Unless altered, it will not only not help, but it will impede *bonâ fide* legislation and action in this direction; with the present need of wholesome dwellings, nothing less than the most rapid action will meet the case. The work cannot be done under this Act; it contemplates, as security, only buildings yet to be completed, subscribed capital yet unpaid. One would think that houses already built, or land elsewhere, with unexceptionable title, would secure the return of money advanced. It was expected that this Act would effectually aid such great and

beneficial works as Alderman Waterlow's, but it is not so. The government obtains, from the savings banks, money from the working class at a very low rate of interest, 2½ per cent. It has been urged that this money ought to be available, for the purposes of this Act, at the lowest rate of interest, compatible with paying the interest to depositors, and cost of working, say 3 or 3½ per cent.

"The Thames Navigation Act, 1866," gives a sanction for drawing water from the Thames, and a consequent payment by the water companies. There are also provisions for surface purification, for preventing the flow of sewage, and other offensive matters, with the drinking water, under large continuous penalties, with summary process. When it is recollected that the greatest evils may be produced and propagated from the minutest disease germs, no precautions, no expense can be considered too great to secure a sufficiency of wholesome water.

In large towns, and not in these only, there is pressing need of a constant, *i. e.*, a continuous, supply of pure water. There is a greater deficiency than is generally known, both in quality and quantity. The charge of filthy habits against the poorest people is and will be somewhat unfair until this condition of things is altered. The average gallons per head in any given place yield but little correct information as to the amount a poor family gets—for instance, in London the estimate upon the population is thirty to thirty-three gallons per head per day; but scarcely a member of a very poor family obtains more than from three to five gallons, and this for cleansing house, clothes, and person; for drinking and cooking, and for flushing water-closets and drains. Manifestly so long as this continues, the poorest people must be dirty, degraded, and ready for disease. Meetings of delegates from London vestries, and of a new-formed society for this purpose, have been held with a view of very forcibly pressing the question. The ensuing session of Parliament will probably witness many new schemes for a better water supply. The intermittent and scanty supply, the condition of receptacles and their surroundings, must in this age of improvement be designated as barbarous. The supply of water as a first necessary of life should not be a matter of private speculation and profit. Public bodies, representatives of the community, should supply water, so that the largest quantity and the purest quality might be supplied at prime cost to all.

This report would be incomplete without some notice of cholera. Let us hope it is nearly gone. Thoughtful people may learn many lessons from the inroad; and conscientious people will act upon the lessons so learned. Dr. Snow first told how water tainted with disease germs influenced this disease. Take the instances of Southwark, detailed by Mr. Simon; of the Broad Street pump, by the Rev. Mr. Whitehead; of the two gaols of Oxford, by Dr. Acland, and now the east of London, in the Registrar-General's reports. These instances and many others forbid us to doubt the connection between certain kinds of foul water and cholera. In another light,

and place to discuss the important questions relating to smoke. On my side there still remained that same warm interest in the inquiry which has compelled me for many years to attend to the condition of the air of towns more than to any other chemical problem. I cannot cease looking upon it as I did when entering Manchester, after living for ten years in places where coal smoke was either unknown or known only as a comparatively innocent accompaniment of a great luxury. Many of us here view it with horror every day, although we have been amongst it for the greater part of our lives.

Habit has no power of rendering the smoke pleasant to us. I need scarcely speak of the general gloom caused by smoke; this has been done so well of late by others—by Sir Robert Peel in the House of Commons, and by Mr. John Leigh, M.R.C.S., amongst ourselves; and although I must not overlook that point, I cannot hope to improve their description or add anything more forcible to their eloquence. Indeed, I feel on beginning to speak on this subject that few men require to be convinced that we live in the daily endurance of a monstrous evil; every man in our smoky towns has the argument before him, and can surely require no aid in drawing his conclusion. If, therefore, I can be of any use at this meeting, it will be simply by bringing forward the subject, so that a discussion may ensue after a few remarks of mine have reminded you of the effects of which we complain, as it is possible that some of you have long ago given up all consideration of a sight which has during all your lives taken the appearance of an unavoidable misfortune.

As the Council of this Association was better fitted to judge than I was of the time for discussing this subject, I take it for granted that the smoke clauses in the new Sanitary Act are not considered by them as sufficient for a general measure.

When, during the process of combustion, a visible matter passes into the atmosphere and remains even a short time afloat, it is called smoke, whether it is a product of combustion or simply a product of decomposition, or distillation accompanying combustion.

Many substances make their appearance as smoke from chimneys; but that which is now to be considered is coal smoke. All other kinds are comparatively rare with us here, and smoke therefore means generally coal smoke.*

There are various colours characteristic of smoke, from the pale bluish to the grey, the brown and the intense black. The first comes chiefly from domestic fires. When the heat is considerable but the combustion slight, we have a dark grey or a deep brown, a product of the distillation of coal. When the dense hydro-carbons have been heated highly but with insufficient air, we have them decomposed, and carbon of a pure black thrown out.

The coloured substances in smoke are tar and carbon; at least, it

* The question as written has a wider range: I was obliged, however, to keep for the time within smaller limits.

will be sufficient to confine ourselves to these two names. The compounds vary with the heat, and may be very numerous.

Some time ago, I calculated that sixty tons of carbonaceous matter were sent off in a day into the atmosphere in Manchester. I rather think the number is not too high. A very small amount affects the atmosphere, a grain in eighteen cubic feet being sufficient to render the air inferior, and to bring it from good air into Manchester air, so far as the carbon is concerned. About one-half was tarry matter, and another half black carbon only.

This black matter is the colouring material of all our smoky towns, and to a great extent of the clothes as well as of the persons of the inhabitants. We live in houses coloured by it, and we walk on roads coloured by it, and we can see the sun, the moon, and the heavens only after they have been to our eyes coloured by this universal tincture. These are calamities of themselves; but although some men would look on such a view of the case as mere sentiment, not even the hardest amongst us can fail to have his spirits tinged by the darkness of the sky. I found this strangely corroborated lately. One of the best men of business in Manchester informed me that on an atmospherically dull day no one would give a high price for goods—no one had the courage to give it; but, on the other hand, he could buy goods at a lower price—the seller had not the courage to hope for better. These dull days are caused in part by the climate, but their remarkable oppressiveness is unquestionably due in great part to the smoke. We do not consider that by the smoke we make we are affecting our own spirits and clouding our own judgment. It is my belief that this effect on the spirits is the most powerful of all objections to smoke, even in the minds of those who believe themselves above such feelings.

There is, however, no denying the next great fact, that everything coming in contact with a smoky atmosphere is so blackened that cleaning becomes difficult or impossible. Smoke gives to every household it visits either a greater amount of labour or a lower social appearance. Let us suppose a housewife only strong enough to do all the work of her house so as to keep it comfortable where there is no smoke-plague; she will break down before attaining the same results in a smoky town. We may fairly doubt if it is possible by any means to attain the same results; but in reality they are not attained. We are apt to call the people who suffer most by this evil indolent, and they sometimes believe themselves so, but the cause is rather despair at the amount of work demanded of them. Even the higher wages in towns fail to reconcile them to curtains blackening in a few days, when in country places they would have kept their windows neat for many months. Nor can the higher wages of a town reconcile them to having their clothes blackened as soon as washed, instead of being dried when they are hung out for the purpose.

The poorer classes are compelled to pay very directly for the smoke, and they live generally where it prevails most. As a rule they

cannot manage to have both their clothes and their houses sufficiently clean; they suffer in one or the other. If we find any who do not appear to suffer much, we shall also find that they have either unusual activity of nature, or the increased work will tell in time on their flesh and their bones.

If we rise in the scale of society to the higher working classes, men who cannot be called poor except by contrast, the evil may be less apparent, but it is no less there. They pay in some manner; they may obtain assistance or they may have smaller houses than their means would appear to warrant, or they may suffer in personal appearance, but in some way or other they must pay a debt to smoke; they never escape.

But we must not suppose that the middle classes escape this debt; they also pay severely, being oppressed with the amount of cleaning, and being unable to find servants capable of struggling long with the evil. In some way or other the smoke diminishes the income of every family.

But we may argue that one class at least escapes—namely, the very wealthy. No; they too must pay, and still more severely. Perhaps they pay proportionately more than the others. Those who are able are found to live at a distance, and many spend their hours in moving to and from their work. In other words, from a fourth to a third of their whole business day is occupied in avoiding smoke. Many of them grudge the loss of so much time from their business, many are prevented from seeing much of their families, but they cannot act otherwise; they must avoid the smoke. As the anxieties of business increase, the necessity for purer air increases. Some will say that it is simply rest that is required. It appears to me that the true cause is, that the excited system is less able to live in a vitiate atmosphere. Some men will occasionally take their writing to the sea coast, and find that they can do it there with ease.

Nearly all business men are obliged to spend the whole day in town, but they find it wise to incur the expense of keeping houses at a distance, that they may pass at least the hours of the night in a purer atmosphere. The expense of most of our locomotion is caused by smoke, and we may fairly include the additional outlay caused by keeping a family at a distance from schools and shops which must be constantly visited.

In a word, we must pay for the smoke in labour, in money, or in social appearance, as shown in our houses or clothes.

There are many important questions to be answered regarding the influence of smoke in affecting light and warmth from the sun, but that one great quality, blackness, is most apparent, and will have most influence in effecting a change.

There are some who tell us that the carbon is of little consequence in the atmosphere, whilst others say that it acts along with the sulphurous acid as a disinfectant. This acid gas forms a part of smoke, and it is probably the most active chemical agent escaping from our chimneys. It is quite true that carbon and tar and sulphur acids

are disinfectant; but we do not wish to breathe disinfectants constantly; we cannot live on medicines. Let us see how much we have gained by the disinfecting power of smoke. If we ask Mr. Greaves, who has examined the condition of the people near our Manchester rivers and canals, he tells us that the condition is sad, and that even smoke has been unable to cure the diseases engendered. If we compare the death rate of Manchester with a city such as Cologne, we find that we have a much higher number, although that city is enclosed in walls, and has high houses, and streets that are too narrow to allow room for footpaths, with the additional reputation, as we have long been told, of sending out into its own air at least seventy stinks.

We must, however, confess that the disinfecting power of these substances may be expected to show itself in some way, and we need not be surprised if they aid in preventing to a great extent those pestilences that sometimes touch us. We forget, however, that an occasional pestilence like cholera, coming every few years and killing a few thousands, if it does so is a mere trifle to the daily pestilence that lives amongst us and causes one-half of the deaths. We are dying by thousands annually; smoke sends no cure for that plague. My belief is, that if it does good, it does more evil; and I am not aware that we can account for the great mortality in Manchester without attributing much of it to smoke. The question is open. But after considering all the causes of disease mentioned by physicians, I have come to the conclusion that a large residuum can be accounted for only by the action of smoke.

It has been said that if the carbon were thoroughly burnt, we should then find the sulphurous acid to be so great as to be intolerable. Experience does not show this; on the contrary, when the blackness is removed, the sulphuric acid seems to escape more easily. We may imagine the carbon soaked with the acid and falling down with double effect on the town.

When coal or any carbonaceous substance burns, one product is carbonic acid; this being essential, we must not complain too loudly, but endure what is inevitable. The amount added to Manchester air is less than one in ten thousand on an average; but we of course do not always breathe an average, and I do not doubt that it has its hurtful influence; but the amount can be reduced only by reducing the amount of carbon burnt.

When carbon is imperfectly burnt, another gas escapes, called carbonic oxide. It has a very deadly character. It escapes from charcoal more than from coal, and has, it is said, been found in the air of Paris, although in wonderfully minute quantities. I have not found it in our air here; but that it does exist may be proved by the fact that it is given out by some chimneys. It is not given out by all, and not by quietly-burning household fires; it is probably found in the blackest smoke, although there not solely; the observations are not sufficiently numerous. Theory would lead us to expect it there. This, however, is certain, that it does come

from some chimneys when the smoke is not well burnt, and when these send their gusts of vapour upon us, we must breathe it. Some work is still required to show the extent to which we suffer by this gas and the best mode of avoiding it. We know from Bunsen, Playfair, and others, that the gases or smoke from iron furnaces contains about one-fourth of this gas, carbonic oxide; but lately it has ceased to be necessarily a nuisance, and has become so valuable that the heat obtained from its combustion is an important part of the savings at some establishments. We may well ask, ought it under any circumstances to be allowed to escape, or under what circumstances? Carbonic oxide is invisible; when it escapes, no one knows it, and if it poisons, it is never blamed. It is a gas which must be looked after when we consider the best mode of thoroughly burning coal. It constitutes one important difference between fierce furnace fires and domestic fires. The domestic fire sends out neither the true black smoke nor carbonic oxide.

From a sanitary, an economical, and an æsthetic point of view, we shall gain much by the removal of the carbon, and an additional gain will be obtained by removing the carbonic oxide. We are not, however, to suppose that all is then gained; we are not entirely safe until we have removed the sulphurous acid. To effect this is not a problem which we can expect to solve rapidly. The sulphur gases collect wherever there is any obstruction to ventilation. Sometimes the smoke is retained in the town as certainly as if a firmament were put over it of impenetrable material.

On a still day, with a clear sky and considerable cold, the smoke lies on Manchester until the streets become dark at midday. It is then that the acids are found painful to the eyes, bad to the taste, dangerous in the breathing. The blackness might be removed; what shall we do with the sulphur? It is the sulphur acids which render the air and rain of Manchester so destructive to metals. Iron roofs will not remain there; even houses cease rapidly to exist, and become old at an early period. The lime of the mortar becomes sulphate of lime, and the rain washes it away. The very stones decay under the constant action of acid, and the bricks crumble more rapidly. Even in places less troubled with smoke we see the decay. The Parliament Houses, built to remain for ages, are rapidly before our eyes turning into plaster of Paris and Epsom salts. Probably some of the evil might be avoided. The finest buildings in London appear less handsome than flimsy structures in many continental cities.

With us the peculiarity of the climate is a great enemy. On certain days the acids rise readily; but as a rule they fall. Great extremes of dryness and of rain are the best protectives, and during heavy showers the air of Manchester is not unpleasant to breathe, because the sulphur is carried down in the rain.

The coal loaded here contains not less than one per cent. of sulphur, and one of sulphur makes three of vitriol. Some coals contain more. The amount of sulphur acids sent out is enormous; it cannot be less

than 180 tons per day. The rain is acid. It falls on the living grass and puts the life out. Young plants struggle against it, but they cannot do so long. We scarcely know how much of the beautiful and useful is destroyed by this acid. The fine arts can scarcely flourish in an atmosphere which attacks without fear a great building which ought to remain sound for centuries.

One of the foremost printers of Lancashire told me that there were some colours which he found almost instantly to fade. They were frequently sent back upon his hands. He was annoyed to find that the French sent the same colours to the same markets without the risk of having them returned. It was only after much time and loss that he found that the goods must not be allowed to pass through Manchester. One day was enough, but in some weather two hours were sufficient for their deterioration. The colours imbibed a poison, and went off to die of it. He now sends such goods from his works without coming here, and he is as successful as his rivals in France.

It must be remembered that even if we burn smoke colourless, this sulphur gas will remain, the rain will be equally acid; but if we burn the smoke, no particles of carbon filled with vitriol will fall upon us. It will more readily diffuse. This seems to be the experience, but it is matter for open discussion.

We are told on one side that the sulphurous acid is decomposed by the carbon acid, and that the sulphur falls down with it in a solid state. I do not know if this is a fact, but if it be, the result will be that the sulphur will be very finely divided, and in that state be oxidised by the air and water, forming vitriol where it lies. It will not be less innocent, although it may change the sphere of its iniquities. This may explain why the black vegetation is so frequently very acid, as it most surely is often or always found to be.

The only sure mode we know of diminishing the amount of acid given out by chimneys is by burning less sulphur. This can be done perhaps to some extent by burning less coal, and burning it more economically; next by not allowing the most sulphurous of the coals to be burnt in large towns. This latter is a simple mode of doing some good, and cannot in all cases be considered too great a demand on manufacturers. I inquired of engineers the amount of coal burnt per horse power per hour in the best and the most careless establishments, and was told that it varied from 3 to 15 lbs. I obtained other answers which went lower and higher, but enough if we know that coal is in many places burnt at a wasteful rate. This is a department concerning which I was not called on to speak, but it comes as a part of my subject. If we examine this carefully we shall find, in all probability, that the amount of heat we really use is trifling, whilst the coal is in amount enormous. A wasteful management of coal is the perpetration of a nuisance not justified by the exigencies of manufacturers, and the agents can scarcely plead that they are following a legitimate occupation. I shall say little of this; probably the change in this branch will be more gradual than the destruction of

the blackness, but we must not forget it. A great thinker at the time said to me once: 'The nation reminds me of a man who was left a great barrel of wine for long use; he pulled out the bung to fill his little glass, and had not sense to see that the most of the liquid ran off on the floor.'

The diminution of the amount of coal burnt in such a way as not to diminish the power will be a benefit sanitary as well as economical. How far we have this in our hands it is not easy to say, but it is so to some extent, and it would be well if the subject were kept before us prominently. People inform us that the selfishness and self-interest of manufacturers is sufficient for this. That is a theory which I never have found reason to believe in fully. The manufacturers are not more selfish than other men, and if they were, the most selfish man is often blind to his own interest.

One of the effects of the combustion of coal is to remove from the air a certain amount of oxygen, putting in its place the gases and carbonaceous substances spoken of, along with coal ashes, which are in part carried upwards. The removal of the oxygen occurs only to a small extent, but it is perceptible, and in some cases considerable. This deterioration of the air occurs most in places where there is most carbon floating, and where it is therefore least pleasant to open our windows. Now, if there is less oxygen, we require the air to be renewed more frequently, and this we cannot permit because of the blackness. The smoke acts like a prison wall and shut windows, and we cease to ventilate. Bad as the air may be, it is better than that which we manufacture for ourselves by shutting our rooms, which remain closed until the bedrooms of the hotels of all our towns become unpleasant to the senses. It is the custom to ventilate by the doors from corridors only in London and elsewhere in hotels, lest the blacks should enter by the window, from which the freshest air comes. Private houses suffer equally. The weavers of Spitalfields were glad to be able to open their windows when the establishments near began to burn their black smoke, and this is a powerful argument against the opinion of those who would attempt to show that the sulphur was the only thing to be feared. Bad the sulphur gases unquestionably are, but it is the carbon which causes the alarm of housewives and housemaids, and which prevents the needful change of air in our town houses.

The oxygen which is removed from the air is the whole of the most active portion. It has been called ozone and peroxide of hydrogen; but, by whatever name, it is a something always found in agreeable air. This is never found in Manchester.

It is for medical men to consider what class of diseases may arise from this diminution of oxygen. Children suffer most in smoky towns we are told. They have rapid circulation. They require much oxygen, and are instinctively fond of fresh air. It seems to me that the analysis of the air shewing a diminution of oxygen, even forgetting the sulphurous acid, explains why children should suffer so much, and leads us to explain what Mr. Leigh has called "The Massacre of the Innocents."

The deficiency of active oxidation is equal to a deficiency of power and of healthy stimulus. If so, we need not wonder that persons should seek artificial means of stimulus, nor why others should rather seek the less vigorous oxidation of a town.

I cannot doubt that we have here the reasons for a deterioration of race, spoken of by Dr. Morgan as visible amongst us. Our strength must be proportionate to the amount of healthy oxidation.

If by any method we reduce the amount of floating blackness, we shall increase the purity of the air of the town, increase the beauty of its buildings, and improve the appearance of the inhabitants; we shall enable the houses to be ventilated more thoroughly, and we shall diminish the intensity of those days of darkness that sometimes paralyse the whole community; every day will be brighter, and, I think, happier to every inhabitant.

If we diminish the sulphur by burning less coal, we shall diminish the amount of coal dust also, and these two points are not to be forgotten, although the full combustion requires first to be settled.

And now we may look for a little at the means to be adopted for promoting the proposed change. I shall not speak of any of the methods of burning smoke. Some years ago the methods amounted to above twelve dozen; there are more now. If I mentioned one or all methods, it would raise up a feeling of rivalry which would not assist our deliberations. Besides this, I have not made such experiments on the practical burning of smoke as would justify my discussion of the various plans; others know that portion by experience. I have observed for many years that the smoke can be burnt in some cases with ease, and, as I am informed, with advantage. It must not, however, be forgotten that many able men cannot burn it easily, and consider that in any case it is more expensive to produce it colourless. When men have opinions so different, I think we cannot do better than trust to the great laws of nature which we have learnt, and these seem to teach that, notwithstanding many failures, the smoke can be made colourless, and that the escaping unburnt matter is a loss to the community.

There are some fires more easily managed than others; by degrees we shall probably learn to manage all. I remember persons making sixpence a day by breaking stones; I was told lately of some that had attained such excellence that their labour was worth seven and sixpence a day. A similar advance may take place among stokers, who may rise to be highly-skilled labourers.

There may be men who see their way towards suddenly removing all the smoke of the country; I have no such extravagant hope, but I think a great deal may be done at once, and the rest by degrees. We shall not succeed if our sympathy is altogether on the side of the non-manufacturing public. I have been so much among manufacturers that I know well the struggles they are sometimes compelled to make in order to please the public, and I know, also, that their own tastes are not satisfied with an impure atmosphere, whilst

they frequently take measures for its purification—greater at times than even the public has thought proper to require.

It cannot be for the advantage of the country to oppress the great coal consumers, but I believe it would be no disadvantage, and, on the contrary, a great boon if they were, with proper exceptions, compelled to work to a standard. It is an oppression, or is felt as such, when the rule differs in every community, or when in one place there is great strictness, and, in another, utter carelessness.

I shall not attempt to say what that standard ought to be—it may probably begin low and rise from year to year. None of us would pretend to say what plans ought to be adopted, as every man must be free to use his own. Considering, however, the state of public feeling, and the feeling even of manufacturers on the subject, I see no reason why the movement should be delayed; I do, however, see abundant reason why it should be begun with extreme caution.

One of the first questions will be, who is to begin the movement? It would probably be the cause of greatest pleasure in the country if the reform began with an association of manufacturers themselves. They are of necessity an enlightened body of men—they belong to the public, and desire for themselves and families pure air; why do they not combine, and settle this question for themselves? If the union for this purpose is pretty general and successful, they will find means to prosecute those who are careless. I am not without hopes of seeing such a union. An attempt was at one time made, but there was an opinion that the difficulty of effecting the purpose was too great in many cases. This suggests at once a preliminary precaution in a digest of the principal modes, successful and unsuccessful, which are known to us. Information is now easily diffused—it might spread among the community in a week; one might at least learn in what cases we should have forbearance, and when the authorities ought to prosecute rigorously.

It would be a fine sight to see the manufacturers, whom many have so much blamed, and who, it must be confessed, have done, along with their good deeds, much mischief, foremost in the struggle for an improvement.

A story came to me from an engineer and surveyor, which shows how they may gain directly. It was this, that from the opening of a certain coal pit there had been paid regularly one shilling per ton to persons who had control over the consumption of coal, and I can affirm that in these cases the amount of black smoke was such that even one in Manchester would not tolerate it for a moment. It was the interest of some one to destroy coal.

If manufacturers do not begin to organise a system of burning, what will they do towards it? Will they petition government to organise it for them? Perhaps that might be a better method. Surely we cannot doubt that municipal bodies have utterly failed to produce any very important reform; if it is rather Utopian to expect manufacturers to begin or to seek the aid of the government in their

plans, is it so to hope that the government shall seek the aid of the manufacturers?

These are points on which many here will be able to give valuable opinions.

It seems to me that the question of nuisances generally arising from manufactories is in a very unsatisfactory state. There is a very unhappy conflict of opinion between the manufacturers and those living near them. Each of them deals in extremes. The distinguished writer already quoted expressed one extreme by saying that the owners of factories had rendered the most beautiful of the islands of God's creation unfit for human habitation, and converted its magnificent streams into poison even for the lowest fish, and that we could not expect to live in comfort until these men went forth into that darkness from which they issued.

On the other hand, manufacturers, justly proud of the position they have attained, sometimes forget that they have destroyed a stream to save a very little trouble, and for as little reason rendered all the inhabitants of a street uncomfortable by polluting the air. The disputes relating to the existence of a nuisance seem to be carried on so that the verdict may be yes or no. There is, therefore, an assertion of pure innocence on one side and of great atrocity on the other. Each party must know that these assertions require modification, but from some peculiarity of the law, as I suppose, no middle course is considered.

They act on one side as if no right to render the air or water impure exists, and the slightest offence must be punished. We must not carry such ideas to extremes; we cannot live a minute without rendering the air impure, and we cannot live inland for a day without more or less affecting the purity of the rivers. It is a question of degree. When we come to manufactures, we are obliged to introduce a new question—namely, expense. Now we cannot afford—rich as the nation may be, we cannot afford—to destroy manufactures in order to preserve the beauty of our fields, or prevent a village of busy people from growing up because it will destroy a few pounds of fish. We must remember that in nearly all such cases there must be a compromise between two interests. It is, however, quite clear that there is to be found occasionally a small work in a position rendering many persons most uncomfortable without doing to the community an equivalent benefit, and large works, relying on their magnitude, doing evil without fear, and not from necessity. I believe if we were to consider all these questions from a wider point of view than is done, we should arrive at the truth. The truth is, in my belief, carefully kept from the courts. Even the most honourable men have their evidence so mixed with that of others, that the truth they speak is unseen. If the simple facts were told, namely—that there was some impurity, and that it could or would not be avoided entirely—we should be able then to begin where at present most trials end. We should be able to make the best compromise permitted between health, wealth, and amenity.

The compromise does take place in a way, in spite of all attempts to the contrary, but it is severely obstructed, as I think, by the extreme views taken by both sides. We lose by these means the advantage of the co-operation of men who would willingly aid sanitary reform, but are compelled by the attitude of others formally to oppose. They appear at first much to blame, but they have no other resource.

I do hope that in this spirit the purification of the air from smoke and of our rivers from corruption will be at once undertaken. If you do so, success is most probable. The question of smoke is more easily managed than many others. Some of the most important problems of sanitary reform relate to the purification of filthy dens, which can never be rendered habitable until educational problems, far more important than sanitary, and far more neglected, shall have been solved.

But with the management of smoke we have no such fear arising from the ignorance of those who have the work to do. The work is to be done by men of education. The great smoke-makers, if not all educated at universities, are trained to think vigorously on all the important affairs of practical life. We cannot despair of them, for if we did, we should despair of humanity itself. I believe we require only to bring forward the subject in a proper manner, to produce proper plans, and to act with such watchfulness that it will be seen not to be a matter of indifference. If they see that the public take a great interest in their success, they will, as I believe, be glad to further any well-organised movement for the great object in view.

On the Composition of the Smoke from Factories, compared with that from Dwelling Houses; and on their respective action upon Vegetation and Health. By F. Crace Calvert, Ph.D., F.R.S.

HAVING noticed in the programme of subjects to be discussed in the third Department the question, "How far smoke and the products of combustion are injurious to health," I have ventured to bring the following remarks on this important subject before this meeting.

The action of the products of the distillation of coal upon vegetation varies a great deal, according to the circumstances under which they have been produced. Thus the, products of the perfect combustion of coals may be represented by carbonic acid and water, with small quantities of nitrogen and sulphurous acid, all of which are invisible gases, and, except sulphurous acid, have no action on vegetation. But if coals are introduced into a gas retort and heat be applied, the products given off are numerous, chemists having already isolated and characterised more than thirty distinct substances, many of

which are most destructive to both animal and vegetable life, being highly poisonous when administered in even minute quantities. Therefore the products obtainable from coals vary enormously according to the circumstances under which they are produced. The above statement will enable us better to understand the nature of what is commonly called "smoke," and the reasons why it varies so considerably in composition. Thus, the smoke issuing from the chimneys of private dwellings may be considered on the whole as belonging to the class where perfect combustion occurs, for the gases (carbonic acid, carbonic oxide, and sulphurous acid), as they emerge from the chimney, carry with them only a small quantity of the most volatile hydro-carbons which are given off, and this only takes place at the time and shortly after the coals are freshly added to the fire, the less volatile products being condensed in the flue of the chimney, forming what is called soot; but as soon as the volatile products (which are characterised by burning with flame when coals are put on the fire at first) are consumed, the carbonaceous mass which remains in the fireplace may be considered as undergoing perfect combustion, and emitting, as stated above, only gases having little or no action on vegetation or man, especially when they become diffused in the atmosphere.

But the results of burning coals under steam boilers employed in our large factories are very different.

1st. Because coals are constantly being added to the mass in combustion, and there is not consequently that cessation of the distillation of tarry products, above stated as taking place in the fireplaces of private dwellings, and it follows that the products of perfect combustion which are generated near the grates of the fireplaces in factory furnaces are constantly mixed with a considerable quantity of tarry substances produced by the distillation of coals through their imperfect combustion.

2nd. As stated above, in the chimneys of our dwellings the draught is such as to permit many of the imperfect products of combustion, or most of the tarry products, to condense; whilst in the tall chimneys erected in our factories the draught is such as to carry out from them the above noxious volatile products, and as many of them will easily condense into liquids and solids when they come into contact with a cold atmosphere, they cannot diffuse nor be carried far before they fall upon plants and other bodies existing in the neighbourhood of such chimneys, and as many of the tarry products are highly poisonous to plants, they affect vegetation in a very marked manner.

3rd. "Black smoke" is a mixture of the products of the imperfect combustion of coal with carbon in a high state of division. The solid particles of carbon when floating in the atmosphere become, like all solids, centres of attraction for fluids, and thereby assist in the condensation of the liquid and poisonous products above mentioned, and help to carry and fix them on the surrounding vegetation, which is characterised by a deposit of such products upon the surface

of the leaves and bark of plants, a deposit which prevents that free contact with the elements of the atmosphere which is so essential to their health and growth; for, as most persons are aware, plants absorb carbonic acid from the atmosphere, from which their carbon is derived, and they reject oxygen and watery vapour. Further, the intensity of these actions is in exact ratio with the intensity of light, so that when "black smoke" is produced in large quantities, it interferes with the rays of light arriving on the surface of the earth, and thereby affects vegetation materially. It appears to me that the above facts give an explanation of the difference of the activity of vegetation observed in London, as compared with that witnessed in Manchester, Leeds, Sheffield, Birmingham, &c. I am well aware that the vegetation in these towns may be slightly affected by the larger proportion of sulphurous acid which the smoke issuing from the factory chimneys contains, as compared with the quantity of sulphurous acid produced by the consumption of a better class of coals in London; but sulphurous acid, like all gases, has such a high diffusive power, and the mass of air with which it mingles is so considerable, owing to the high temperature at which it leaves the top of the chimneys, that although it may somewhat affect vegetation, still I consider its action is comparatively small in proportion to the injury effected by the fixation of "black smoke" or soot upon plants, &c., as described above.

The comfort which the inhabitants of our large manufacturing towns would derive from the perfect combustion of the fuel in our large mills, works, &c., no one can venture to deny, at all events as a matter of health. An opinion can be formed by comparing the state of the atmosphere in large towns, like Manchester, on the Sabbath, as compared with that which is witnessed on the other days of the week. It is hardly necessary to add that it is on record in evidence before a Committee of the House of Commons, that manufacturers can effect a saving of 15 or 20 per cent. by burning their smoke; and it is most painful to reflect that after such weighty evidence has been adduced by many of the leading manufacturers of Manchester, such as Messrs. Bazley, J. Whitworth, Henry Houldsworth, &c., before a Committee of the House of Commons some twenty years ago, we should still live in such a noisome, unsightly, and unwholesome atmosphere as we breathe in this city; and it is painful also to witness how Acts of Parliament are put on one side when they are to be carried out and enforced by local authorities, who are often, in such cases, the offenders, and at the same time the authorities called upon to inflict fines and punishment.

THE POLLUTION OF RIVERS.

How can the Pollution of Rivers by the Refuse and Sewage of Towns be best prevented? By STEVENSON MACADAM, Ph. D., F.R.S.E., F.C.S., *Lecturer on Chemistry, Surgeons' Hall, Edinburgh.*

THE importance of the subject of the pollution of rivers, and the means which can be adopted for the prevention of such pollution, may be best denoted by the fact that the Council of the Social Science Association have appointed the topic as one of the special subjects for discussion at this congress. The attention of Parliament has been repeatedly directed to the question, and the subject has engaged much attention both in England and in Scotland. On several occasions Royal Commissions have been appointed, which have taken the evidence of many parties competent to express an opinion on the subject, and which have also investigated the question for themselves, and have written and published several valuable reports. I can hardly hope to supply much fresh matter for the consideration of those who are specially conversant with the subject, but having had much experience in the examination of river waters in Scotland, and the discharges from public works and towns into such, and knowing that the whole subject is one which is all the better for being thoroughly ventilated, I will venture to lay some remarks before the Department, in the hope that these may lead to discussion, and tend to disseminate a knowledge of the leading points among those who may not have paid that attention to the subject which its importance deserves.

The question must be looked at from a broad platform. We must take neither the narrow view that commercial interests and town conveniences are unduly to interfere with the health and comfort of their neighbours, nor the equally narrow view that the private interests of the individual shall be considered as of paramount importance to the commercial interests of the country. The proper spirit in which to approach the subject is in the words of the Royal Commission granted in 1865, which was to inquire "How far the present use of rivers or running waters in England, for the purpose of carrying off the sewage of towns and populous places, and the refuse arising from industrial processes and manufactures, can be prevented without risk to the public health, or serious injury to such processes and manufactures; and how far such sewage and refuse can be utilised or got rid of, otherwise than by discharge into rivers or running waters, or rendered harmless before reaching them."

The observations I shall make will be general, though during the discussion of the subject the opinions I express will be derived mainly from observations made by me on three Scottish streams—

(1) the Leven, which is contaminated by public works; (2) the Water of Leith, which is contaminated by public works in its upper parts, and by town sewage at the lower parts; and (3) the North Esk, which is influenced by discharges from public works and by sewage alternately. Now, the pollution of rivers may be regarded as principally derived from (1) mining pursuits, (2) manufacturing operations, and (3) house sewage. The mining discharges consist principally of much red ochry matter, which presents a muddy aspect, and which often contains so much red oxide of iron, as to influence the colour and appearance of large bodies of water. These ochry discharges are principally derived from coal wastes. The manufacturing operations are of various kinds. There are first the discharges from chemical works, which consist of the drainage of waste heaps and other accumulations of refuse, the residues of iodine stills, and other operations where the lye products are of little or no chemical use. The discharges from paper-mills consist mainly of solutions containing more or less alkaline matter, and the fine fibre of rag and esparto. The discharges from paraffine oil-works consist of much water used as condensing water, and which is often impregnated with paraffine oils; as likewise of the acid and soda liquors obtained in the rectification of the crude paraffine oil. Among other works which pollute our streams are distilleries, which throw off much dreg—a yellow thickish liquid, with a sour taste and odour, and very offensive; and which, when passed into a stream, tends to putrify and evolve gases into the neighbouring atmosphere. In the latter respect, the distillery discharge agrees more with house sewage than with strict chemical refuse. The house sewage and street drainage is the most active form of impurity which is passed into our rivers, and is the most deleterious, in a health point of view, to a locality or neighbourhood. All towns and larger villages tend to drain into the nearest stream, and many rivers receive the sewage from several towns. The evil is one of modern date, and it is no answer to the question of pollution to say that such did not influence our forefathers. The pollution did not exist in their days to the extent it now does. The organic matter in sewage is in a condition most liable to change and pass into putrefaction, and is sufficiently concentrated to be capable of imparting this putrefying element to the streams which it may enter. In this respect sewage differs from the discharges from mines and many chemical works, and other manufactories. Thus, a stream having many paper-works on its banks, and having discharged thereinto much liquid containing organic matter, does not putrefy or exhale noxious gases, provided the water is in motion; but a stream containing no larger a proportion of organic matter than that derived from house sewage has the tendency to putrefy. I give the Leven Water as an example of a stream influenced by manufacturing operations, but which does not putrefy; the Water of Leith, in its upper parts, as an illustration of the same nature, and in the lower parts as an instance of the putrefying sewage element; and the North Esk, which does not exhale noxious

gases at districts where it is influenced by discharges from public works; but at places such as Penicuik, Lasswade, and Dalkeith, where the sewage element decidedly predominates, putrefaction ensues, and the foul gases are exhaled into the atmosphere. This distinction in the quality and nature of the respective discharges must be distinctly observed in all inquiries on the subject.

Whilst all the discharges into rivers from mills and towns, as a rule, render the water unfit for drinking purposes and other dietetic uses, and more or less affect the stream in its fishing interests, yet there is this great difference in the organic matter: when derived from public works, such as paper-mills, it is not putrescible in a running stream; but when obtained from sewage, it is highly putrescible when discharged into a stream, and not only changes itself and evolves gases into the neighbouring atmosphere, but acts like a torch to influence the decomposition of other organic matters. The influence of discharges from public works and house sewage upon streams are—1st, on the general appearance of the water, which in a chemical stream is often very black and inky in aspect, whilst in a sewage stream the water is not so foul in colour; 2nd, on the saline and organic constituents of the water, which are much increased, especially in the proportion of common salt in solution and of active organic matter; 3rd, on the gaseous constituents dissolved in the water, where instead of about 30 per cent. of oxygen, as occurs in good spring or river water, we have the proportion sinking to less than 1 per cent., and the deficiency of this and other gases supplied by the gases which constitute the fœtid exhalations from decomposing matter; 4th, on the bed of the stream, where foul deposits are formed, and which, putrefying, give rise to noxious gaseous emanations. No such deleterious gas as sulphuretted hydrogen is met with in quantity; indeed, in the greater number of instances, that gas—often taken as the chief danger and the index of impurity—is not there at all, but other gases are present which possess more deleterious properties on animal life; and which, 5th, influence the atmosphere of the neighbourhood. As a secondary result of the flow of sewage in streams, there is a rapid growth of those forms of animal and vegetable life characteristic of sewage in the bed of the stream, which entangle much filth, and being rapidly broken up, the *débris* is carried into pools or sluggish places, and there putrefies and exhales gases of a noxious nature.

The prevention of the pollution of our streams and running waters ought to be carried out as far as practicable. In fact, irrespective of the health of the neighbourhood, there is the appearance of the polluted water, which must, like a smoky atmosphere, have a lowering influence upon the animal spirits. The smoky air and dirty water are twin sisters in this respect.

The mining discharges may be arrested in part by passing the water into receiving-tanks, as at lead mines; but in greater part, as in the case of ochry water from coal wastes, the material can scarcely be arrested, but is removed from the water in time as it becomes deposited on the stones in the bed of the stream. As for manufacturing

discharges, it should be imperative that all practicable means be adopted for the arrestment of any polluting material. The terms of the Royal Commission, in 1865, are explicit in indicating that the prevention of such discharges into streams should be considered in a way that such prevention shall be "without risk to the public health or serious injury to such processes and manufactures." The law of Scotland in regard to the discharge of material into rivers by public works appears to be too stringent in this respect, as during the recent trial of the North Esk case, the law was laid down by the learned judge to be that the millowners "are entitled to use the water in any way they like, as it passes through their property, subject only to certain conditions. Now, these conditions are, that they shall send down the water to their neighbours below undiminished in quantity, and unimpaired in quality." It was explained that this meant "undiminished in quantity by anything except its natural and primary uses by the persons on its banks;" and further, "that no unnecessary or artificial impurity shall be put into the stream, so as thereby to diminish the purity of the water as it passes to the proprietors or the inhabitants below." Chemical discharges are generally more or less poisonous to fish, and those from paraffine oil-works are extremely deadly in this respect. Occasionally the bye products of chemical manufactories are useful in streams, instead of hurtful. Thus, chloride of manganese was discharged for many years from the works of St. Rollox into the river Clyde, with the beneficial effect of disinfecting the sewage of Glasgow, which finds its way into the river, which really forms the main sewer of Glasgow. This discharge was stopped, and the sewage was a greater nuisance than before. Considering the state of some of our rivers and streams in manufacturing districts, it is a question how far it would not be advisable to hand over certain rivers to the manufacturing interests of the country, and thus to localise the public works which are liable to discharge impure matters, as it is almost vain to expect to render some rivers sufficiently pure for primary purposes. But it should always be a condition that the operations carried on in these works, and the discharges therefrom, shall not be prejudicial to the health of the neighbourhood, and where the works are near or in a town, that the discharges shall be carried past the town in properly constructed pipes or conduits. Much may be done for the arrestment of impure discharges from public works. The working up of the chloride of manganese into oxide of manganese by the chemical manufacturer, the boiling down and utilising of strong soda liquors by the paper-maker, and the arrestment of hydrochloric acid vapour under the Alkali Act, are instances alike of the success of such measures and the desire of our manufacturers to adopt all practicable plans. The Alkali Act, under the chemical supervision of Dr. Angus Smith, is probably the most successful Act in working order.

The arrestment and utilisation of all chemical discharges must be done at or near the works. As to sewage, it may be safely stated that it is absolutely necessary it should be arrested from passing into our rivers. We cannot hope, in carrying out sanitary measures for this

purpose, that the material can be utilised on the spot; but we must provide means for carrying away such from the immediate centres of population. The injury done to the rivers, especially those which are slow-running and allow matters to become stagnant, might be avoided to some extent by the cesspool system; but such a plan really increases the evil by lodging in the neighbourhood of dwellings much noxious matter. Indeed, the worst phase of the sewage question is when the ordinary sewage is supplemented by the cesspools. No confidence should therefore be placed in intermediate cesspools. They are hotbeds of decomposing organic matter, and they are useless, and worse than useless, in a health point of view. There are very few of them in Glasgow, though there are many in Edinburgh and in Manchester. The adoption of the cesspool system, therefore, for the retention of the more solid matter, would be a step in the wrong direction. Attempts have been made to utilise the sewage by subsidence. At Edinburgh, the Craigentinny Burn, before it reaches the meadows, is diverted at times into shallow ponds, where the more solid parts subside, and the liquid is run off. These ponds are very unsightly, but they yield much manure sludge, which is distributed over a large vegetable garden, which supplies Edinburgh with rhubarb and other vegetables in season. It is manifest that the liquid sewage is not thus arrested, and that much impurity is left still in the water, so that it is only a partial remedy for the evil. Chemical agents have been used for precipitating sewage impurities. Lime and alum sludge are the principal agents; but practically there is a difficulty in the more solid part separating as a sediment, and an equal difficulty in drying or getting the material into marketable condition. Moreover, the manure possesses few fertilising properties, and consequently is of little manurial value. Disinfectants and antiseptics have been used to keep down the noxious qualities of sewage; but these constitute only time remedies.

The most successful method for the utilisation of sewage is by irrigation. Indeed, it is the only system which can be adopted by those inland towns which discharge sewage into rivers; and its adoption ought to be compulsory, whether it will pay or not. For generations this plan has been adopted in the neighbourhood of Edinburgh, and the success which has accrued there in a monetary point of view has been often cited. The land there was worth little or nothing—certainly not more than a few shillings an acre, and it was rendered so valuable as to be worth £20, £30, and £40, or more, per acre. Other places can show also satisfactory results. There can be no doubt of the profitable nature of the operations when the liquid can be readily taken to the ground, as at Edinburgh, where the main sewer is a burn which comes down to the meadows, and there are no pipes or culverts, but simply open ditches, and where the distribution is of the rudest kind; but there the water stagnates in the ditches, and no care is taken to purify the water through the soil. The sewage simply runs over the ground as a shallow stream, so that only part is arrested, and the water is still foul when it falls

again into the burn and is conveyed to the sea. Moreover, on Sundays there is no irrigation, and in winter it is only partial, so that much pure sewage now passes right into the sea. It is manifest that what is done at Craigentinny is simply to make the most of the ground, and the main object is not the purification of the water. The crop is entirely grass of a very succulent nature, and it has never been necessary to dry and convert into hay. It has been used entirely for the feeding of the milch cows in Edinburgh. When the rinderpest came and nearly cleared out the byres of Edinburgh, which contained about 2,000 cows, and, for a time at least, left only 300 or 400, the results were that the demand for the irrigated grass decreased, and the meadows have not recently realised nearly their former prices. It is quite clear that the conditions of the ground and the mode of working at Craigentinny should not be allowed in inland districts. To take or not to take, to utilise or throw away the sewage matter at will, would not much improve the condition of our rivers. All the liquid must be utilised at all seasons, excepting in the case of flood waters; and here, I think, is one of the practical difficulties of the irrigation scheme—viz., the providing of sufficient land in the neighbourhood of towns, so as to enable the operations to be carried out without detriment to other towns, and yet sufficiently far away as not to interfere with the natural expansion of the town itself in its subsequent building operations. It is true that the larger towns are capable of paying for the transmission of the sewage to some distance, and can provide the necessary pumping arrangements. Under any circumstances, the distribution of sewage over the land must be carried out by properly constructed drains and pipes, and not by foul ditches, as at Craigentinny. I am in hopes that notwithstanding the outlay in connection with each place and town, the system of irrigation may pay, although on this point I am not so sanguine as many of those who have devoted much attention to the subject; but pay or not pay, the inland towns which discharge liquid sewage must carry out the system.

As to sea-board towns, or those within reasonable distance from the sea, it is a question how far land irrigation should be carried out. By running the sewage into the sea, we at least feed the seaweeds, and these in their turn feed the fish, and thus a return is got. Such a plan of pouring the sewage into the sea is being carried out by a part of the sewage of Edinburgh at this very moment, and the works will be shortly ready. The latter consideration of sea irrigation has been forced upon me for several reasons—1st. Whilst irrigation on the land is the lesser of two evils, it being much better to have irrigated meadows than stagnant rivers with their foul exhalations, yet this is a question of health. The irrigated meadow is not so healthy as ordinary pasture land. The ground is swampy at times, and the plan is in direct opposition to drainage. Moreover, in testing the air over the Craigentinny Meadows, I find much organic matter; but part of this may be the result of the wasteful expenditure of the sewage on these meadows. 2nd. When irrigation is carried out

successfully, and the water is improved, there is little hope that the water will be fit for primary purposes. It will be always more or less impure; and when mingled with the stream, th ugh much better than before, yet it is still contaminated; and for dietetic use the water must always be open to suspicion, though the oxidising influence of the oxygen dissolved in the water will tend to remove the remaining impurities. 3rd. The irrigating system naturally tends to influence the purity of the well waters and spring waters of the district. The object of the irrigation is, that the water shall soak down through the soil, and leave the impurities near the surface; but the water will still retain and carry down some impurities, and feed the wells with such. The passage through the ground tends to oxidise this matter; but still my experience in the examination of well waters which have been influenced by surface drainage, which is closely allied to irrigation, has shown me that the water does retain the impurities, though transmitted through the soil for some distance.

I know that these are points of difference of opinion, and I state them so as to direct the attention of Lord Robert Montagu, Mr. Rawlinson, and other gentlemen in the discussion of them. I would also observe that the only crop which has been successfully raised by the irrigating system has been grass. I am aware that land periodically covered by sewage water has been used for the growth of other crops, but the grass is the principal crop. Difficulties have been experienced in using up this grass as fodder. At Edinburgh, milch cows only eat it, and when they fell off in numbers, the value of the grass correspondingly decreased. It is not suitable, from its succulent nature, for feeding animals of burden or labour, such as horses. The succulency of the grass likewise imposes a difficulty in making hay in the ordinary way of air-drying, and it is questionable if any artificial means of drying the grass, and thus making hay, would ever pay. For the same reason—viz., the succulent nature of the grass—there is a hindrance, or at least a limit, to the transport of the grass, especially in summer weather, as it is liable to ferment, sour, and putrefy. These remarks are not offered as insuperable objections to the irrigation scheme, but as worthy of the consideration of those gentlemen who will take part in the discussion. Though not so sanguine as to the success of the scheme in detail as many of my friends, I firmly believe that the natural law is that, whilst the vegetable kingdom feeds the animal, the animal refuse shall feed the vegetable, and am well aware that the sewage of a town represents the value of the food commodities which have entered, been paid for, and been consumed by that town—minus the good work and force which human and other animal labour has derived from such.

Now, the question remains as to the best plan of carrying out the scheme or schemes for the utilisation of the sewage of our large towns, and how the details can be best worked out. I believe that the local authorities, municipal and other, are generally anxious for the welfare of the people; but they require direction, and often they are

hindered in the good work by their constituencies, and thus they require to be nerved into activity by the pressure of a superior Board. The sewage question will be best worked out by local authorities, under direction and control of a royal commission, or under government inspectors. We are too free in this country in public health matters. For Scotland we have the Police Improvement Act, which is intended for the welfare of small as well as large villages and towns; but, unless the majority of the ratepayers express a desire to be taxed for carrying out its measures, the Act is a dead letter. Sanitary measures should be compulsory and not optional. In discussing this question I have purposely refrained from making special allusion to the state of the Medlock, the Irk, and the Irwell, as they flow through Manchester, but these streams do not appear to me to be pure water. It would be better that some attention was directed to the sanitary condition of these streams, but I leave the application of this great question of the sewerage and streams of Manchester to those who are more conversant with the district than I can pretend to be.

ADULTERATION OF FOOD.

What Legislative or other Measures should be employed more effectually to prevent the Adulteration of Food? By ALFRED HILL, M.D., *Borough Analyst, and Lecturer on Chemistry and Toxicology at Sydenham College, Birmingham.*

AMONG the many problems in Social Science which have engaged the attention of scientific men and the legislature, and which as yet remain unsolved, may be classed the question of the adulteration of food, and it is only a deep conviction of the importance of the subject, and of the great desirability of opening it up for discussion, which has decided me to read a short paper on the subject.

The commercial, physiological, and chemical aspects of the question are pretty well understood, thanks to the researches and published works of Accum, Mitchell, Normandy, Hassall, Payen, and others, and though science has been impressed into the service of falsification, and great ingenuity has been displayed in the practice of such deception, yet science, in the hands of the microscopical and chemical expert, has been also, in most cases, equal to the task of detection and exposure.

It is not, however, with the kinds of adulteration, or the methods of its detection, that I propose to treat. We may at once admit that adulteration is still a common practice; that it is capable of

being discovered, as a rule, by means already alluded to; that it is fraudulent, and in a variety of ways injurious, and it then remains for us to inquire, why in these days of advancement it still exists as heretofore, and why it is not suppressed. Is not common law able to reach it? Is there not a special Act of parliament passed with a view to its suppression? The answer to both these questions is Yes; but, in this matter as in every other, "What is everybody's business is nobody's business," and in this trite axiom lies the essence of the whole question of failure. Neither the common law nor the special Act has provided for the appointment of officers to take action, and the result is that both remain a dead letter. The appointment of analysts in certain towns may have, and I believe has had, a beneficial deterrent effect, but this deterrence is only partial, and is not that full measure of good which is reasonably to be expected from a special Act of parliament, passed with the important object of protecting the pocket and the health of the community.

In order to understand the unsatisfactory state of this adulteration question as it at present stands, it will be necessary to glance over the clauses of the Act brought in by Mr. Scholefield, and passed in the year 1860, entitled "An Act for preventing the Adulteration of Articles of Food or Drink." It is six years since this Act was passed, and owing to its inoperative character, the practice of adulteration may be considered to be in much the same state now as it was then. Abundant evidence was taken by the Committee of the House of Commons to prove that adulteration was carried on to an immense extent; and that such was the conviction in the minds of the members of that committee is shown by the preamble to the Bill, of which the following is the opening sentence: "Whereas the practice of adulterating articles of food and drink for sale in fraud of Her Majesty's subjects, and to the great hurt of their health, requires to be suppressed by more effectual laws than those which are now in force," &c. From this paragraph one is prepared to expect that the clauses of the Act would be of a really useful, practical character, and that at length, after great research, expenditure of money, time, and trouble, the taking down of voluminous evidence, and, lastly, the actual passing of the Bill, a means was obtained by which the monster abuse would be at least scotched if not killed. Let us, by referring to some of the clauses, see how far the hope is likely to be realised. Of the fourteen clauses of the Act, only the first, second, fourth, fifth, and fourteenth need occupy our attention.

The first clause provides that "Every person who shall sell any article of food or drink with which to the knowledge of such person, any ingredient or material injurious to the health of persons eating or drinking such article has been mixed, and every person who shall sell as pure or unadulterated any article of food or drink which is adulterated or not pure, shall for every such offence on a summary conviction" "forfeit and pay a penalty not exceeding five pounds" and costs, "and if any person so convicted shall afterwards commit

the like offence, it shall be lawful for such justices to cause such offender's name, place of abode, and offence to be published at the expense of such offender in such newspaper or in such other manner as to such justices shall seem desirable." This clause presents many difficulties in the way of suppressing adulteration. The words "to the knowledge of such person" constitute the first difficulty, because of the impossibility in the majority of cases of proving that the seller has such knowledge; and though he may have no such knowledge from actual observation, he may yet have such a knowledge as is furnished by the reasoning faculty. For instance, a grocer may not have seen wheaten flour put into the mustard he sells, but from his acquaintance with the fact that he is selling ground mustard at less than half the published market price of the mustard seeds from which it is made, he must be morally convinced, in other words, he must by logical inference know, that the article is adulterated. Yet under this clause he would be able to plead ignorance and escape punishment, and so in all cases where the article is manufactured by one person and sold by another. But in case fraud should not have sufficient chance of escape in this requirement, it is next insisted upon that the substance added shall be injurious to health. Here is a distinct departure from the spirit of the definition of adulteration; a new meaning is given to the term, and any amount of latitude left for the development of the "glorious uncertainty of the law." According to Johnson adulteration is "corruption by foreign admixture," and there is no reference to the substance added being injurious to health, and though further on in the clause it is prohibited to sell as pure or unadulterated any article which is not pure, yet judicial persons frequently regard injurious mixtures alone as adulterations, and hence prosecutions have failed. Then, again, as to what is injurious or not, is open to much difference of opinion, and adds still more to the uncertainty of any prosecution succeeding. I consider that the only fair definition of adulteration is that which I have quoted, and which is more fully expressed in that of Dr. Hassall, who says, "It consists in the intentional addition to an article, for the purposes of gain or deception, of any substance or substances the presence of which is not acknowledged in the name under which the article is sold." It is evident that an Act for the prevention of adulteration ought, notwithstanding the difficulty of framing a good definition, to contain a simple and clear definition of adulteration. This clause provides lastly for the publication of the name of an offender on a second conviction. It is quite a chance whether a second conviction will be obtained, the difficulties of obtaining a first being very great, and it becomes a question whether exposure should not be made to follow on the first offence. The custom in France is to seize the adulterated article, to fine and imprison the offender, to close his shop during the imprisonment, and to publish on his own shutters his name, offence, and punishment. A few cases of this sort would be highly calculated to put a stop to adulteration.

The defects of this clause may be thus summed up:

1st. The necessity of proving a knowledge of the adulteration on the part of the seller.

2nd. The apparent if not real requirement that the substance added shall be of an injurious character.

3rd. The postponement of the publication of the offender's name till after a second conviction, and, perhaps may be added, the limitation of the punishment to a fine instead of imprisonment, at the option, it might be, of the court before which the case is tried.

The second clause provides "that the seller of the article of food or drink alleged to be adulterated, or his servants" shall have "such notice of the intention of the purchaser to have such article analysed, and also such opportunity of accompanying the purchaser to an analyst appointed by this Act" . . . "in order to secure such article from being tampered with by the purchaser." This provision is very proper, extending as it does, and as it ought to do, protection to the seller as well as to the buyer, who might be actuated by bad feelings towards the seller; but it has the objection that purchasers in the character of private individuals would seldom like to incur the ill-feeling of the vendor by such declaration of their intention. They would, as a rule, prefer to put up with the fraud, or to simply transfer their patronage to some other establishment, where, however, there is no guarantee that they may not be as badly or even worse served.

In the fourth clause it is provided, among other things, that a purchaser shall have an article analysed on the payment of a fee "not less than 2*s.* 6*d.*, and not more than 10*s.* 6*d.*" This is a very serious obstacle to the application of the Act; many persons cannot afford to pay even the smaller sum fixed upon, and others who can afford it will scarcely feel disposed to spend their money for such a purpose. In Birmingham, at a suggestion of my own, I have been invested with the discretionary power of remitting the fee in cases where poor people wish analyses made, but this arrangement is probably little known, and even if it were, the majority of poor people, although the greatest sufferers as a class by adulteration, have neither the time, the intelligence, nor the interest to protect themselves in such matters.

According to the fifth clause, justices may order an analysis to be made, and may, at their discretion, deem the necessary charges as "part of the expenses of executing the Act," or "such expense may be ordered by such justices to be paid by the party so complaining or complained against as they shall think proper." In such a case as this, the issue is altogether uncertain; the expense incurred is indefinite, uncontrolled by either seller or buyer, and may be very large. Such considerations as these will, of course, deter purchasers from taking action and incurring such risk of loss, with a very uncertain prospect of any advantage.

The great defect of the fourteenth clause is that the operations of the Act are limited to articles of food and drink, and are not extended to drugs. It is of the highest importance that our food should be genuine and wholesome, though even against adulteration of food the

robust constitution may be able to maintain its health; but should this become impaired, whether by adulteration itself or by other causes, it is absolutely indispensable that those remedial agents by the aid of which the healthy actions are restored should be positively what they are represented to be. It is a hardship indeed that the practice of adulteration should deprive a man of his health; and that the same nefarious practice should render inert the remedies which would assist in restoring him to health. Of what use is opium that will not allay pain, scammony that will not purge, or ipecacuanha that will not vomit? And yet such drugs are sold and relied on.

Having glanced over the most glaring defects of the Act, it will be desirable to summarise their defects; 1, the vendor must have a knowledge of the adulteration; 2, the adulterant must be injurious to health; 3, the purchaser has to declare to the vendor his intention of having the purchased article analysed; 4, there is a fee to be paid of from 2*s.* 6*d.* to 10*s.* 6*d.*; 5, further expenses of an indefinite amount may possibly have to be incurred by the purchaser; 6, there is no provision against the adulteration of drugs.

Time will not allow me to remark fully on these objections, but I think the first two requirements should be struck out. In the first case, the seller might recover from the wholesale dealer; in the second, the question of injuriousness to health ought not to be entertained.

With regard to the third, fourth, and fifth points, it is absurd to expect the purchaser to saddle himself with the trouble, the expense, and the odium of laying the information and conducting the prosecution. The greatest of all the defects of the Act is that no persons are appointed to buy articles, submit them to the analyst, and prosecute offenders; and so long as it remains unamended in these particulars, so long will it continue to be another instance of useless, if not injurious, legislation.

THE HEALTH OF MANCHESTER AND SALFORD.

Report upon the Health of Manchester and Salford during the last fifteen years. By ARTHUR RANSOME, M.A., M.B. (*Cantab.*), *and* WILLIAM ROYSTON.

WE have been requested by the Local Committee of the Health Department to prepare a report upon the health of Manchester and Salford during the last fifteen years; this period being chosen because our Sanitary Association has existed since 1852, and it was thought probable that its documents would furnish some useful material.

In attempting to perform this task, as far as the brief limits of this paper will allow, we shall endeavour to show:—1. The position of Manchester amongst other towns, so far as its sanitary condition is concerned:—2. The variations which have taken place in its health during the period in question:—3. The causes which account for—

its rate of mortality :—4. The means by which this mortality may be diminished.

In order to bring the subject clearly before the meeting, we must first state some hard dry facts.

The average death-rates in the registration districts of Manchester and Salford in two consecutive periods of ten years each, from 1841 to 1851, and again from 1851 to 1861, was calculated by the Registrar-General with the following result :—

Registration District.	Annual Mortality. Deaths to 1,000 living persons of Population.	
	1841—1851.	1851—1861.
Manchester	33	31
Salford	28	26

During the last five years (1861 to 1865), allowing for the movements of population, the rates have been, Salford 27, Manchester 33.

Again, by excluding certain suburban districts, the rates for the town population may be obtained, and Table I. gives the death-rate for the township of Manchester, along with similar records for several other places.

Table I.—Showing the Death-rate for every 1,000 of the Populations of the following Towns :—

———	Brampton.	Bakewell.	Altrincham.	Birmingham.	Bristol.
Population, 1851.....	11,323	29,880	34,048	173,951	65,716
„ 1861.....	10,866	31,378	40,517	212,621	66,027
Years.					
1851	18	19	20	29	28
1852	20	21	20	26	30
1853	16	23	21	28	30
1854	16	22	21	32	27
1855	16	20	20	25	27
1856	17	17	19	25	24
1857	15	19	21	28	24
1858	15	20	19	29	30
1859	16	21	20	26	24
1860	19	19	20	23	24
1861	21	21	20	25	26
1862	21	21	19	26	25
1863	18	19	21	27	31
1864	22	20	24	30	28
1865	20	20	25	27	25
Average of 15 Years...	18	20	21	27	27

TABLE I.—(*Continued.*)

——	Leeds.	Manchester.	Manchester Township.	Liverpool.	
Population, 1851.....	101,343	228,433	186,986	258,236	...
" 1861.....	117,566	243,988	185,410	269,742	...
YEARS.					
1851	31	30	31	34	...
1852	33	34	37	33	...
1853	27	34	36	32	...
1854	30	33	36	39	...
1855	24	34	36	35	...
1856	25	30	32	31	...
1857	26	32	34	34	...
1858	29	33	31	36	...
1859	25	30	31	31	...
1860	29	28	31	29	...
1861	26	30	33	32	...
1862	29	30	32	33	...
1863	34	33	36	37	...
1864	30	31	33	40	...
1865	33	36	39	41	...
Average of 15 Years...	29	32	34	34	...

Table II. Gives the deaths under fifteen years of age, for every 1,000 persons under that age in several other towns, and thus avoids the errors arising from changes in the quality of the adult populations.

TABLE II.—Showing the MORTALITY under 15 Years of Age, for every 1,000 of the population under that age, in the following Towns:—

UNIONS.	Population under 15 years. — 1861.	Deaths under 15 years. — 1861.	Rate per 1,000.
Eastbourne	3,969	66	16.8
Stafford	8,221	162	19.7
Lancaster	12,686	270	21.2
Altrincham	14,251	349	24.4
Birmingham	87,533	2,249	26.7
Carlisle	15,813	492	31.1
York	19,925	624	31.3
Wolverhampton	48,918	1,618	33.0
Exeter	10,678	357	33.4
London	926,904	32,646	34.0
St. George's (H. S.)	22,217	816	36.7
St. George's (East)	17,044	701	41.1
St. Giles'	15,643	714	45.6
Sheffield	48,320	1,918	39.6
Preston	38,467	1,797	46.7
Manchester	83,038	3,946	47.5
Liverpool	87,774	4,689	53.4

TABLE I.—(*Continued.*)

———	Leeds.	Manchester.	Manchester Township.	Liverpool.	
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1856	25	30	32	31	...
1857	26	32	34	34	...
1858	29	33	31	36	...
1859	25	30	31	31	...
1860	29	28	31	29	...
1861	26	30	33	32	...
1862	29	30	32	33	...
1863	34	33	36	37	...
1864	30	31	33	40	...
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Liverpool	87,774	4,689	53.4

We do not desire to lay any more stress upon these statistics than they will justly bear, or at once to draw conclusions from them as to the sanitary condition of the places they represent. We have on another occasion shown * the fallacious results of such attempts, and have pointed out the disturbing effects arising from movements of the population, of emigration and immigration, and have noticed the distinctions to be drawn between the health of a population, and the healthiness of a place.

A true knowledge of the health of any town or district can only be obtained by careful inquiries, on the one hand into the mode of life of the inhabitants, and on the other into the adaptation of the place for healthy existence.

At the present time we call attention to these figures, because they are the simplest possible expression of the numerical relation of deaths to population, in a given place and during a given period.

When all due allowance has been made for any possible fallacies attaching to these figures, it will, we think, be evident that in certain towns, during the years we are considering, an excessive number of persons died in proportion to their population. It is important to discover the causes of this mortality, and as we are mainly concerned with the sanitary condition of Manchester, we shall confine our attention chiefly to this city, and endeavour to learn :—1. How far the excessive mortality is due to unhealthy conditions existing in, and about the dwellings of the inhabitants :—2. In what respects their mode of life predisposes to disease.

We take first the earlier part of the period under consideration, and ask what causes were at work to produce in the township of Manchester, an average death-rate of 36 per 1,000, between the years 1851 to 1855 inclusive.

With respect to the physical conditions of health in Manchester and Salford, there is nothing in their geographical situation, or in the geological formation of their sites, to account for their high rates of mortality; but our attention is at once arrested by the catalogue of sanitary sins, with their inseparable evils, which are found in the earlier records of the Sanitary Association—the narrow courts, the back-to-back houses, all overcrowded with inmates, the faulty drainage, the open and fœtid cesspools teeming with filth, the atmosphere charged with impurities and noxious gases, the neglect of all precautions against the spread of infectious disease.

The following is a description of some parts of the town given by the first secretary of the association, in the year 1854 :—

"In the older parts of the city the streets are for the most part narrow, and often winding, and but little intersected; thus they do not admit of a free circulation of air, and blocks of buildings are situated close to each other with but little interval between them. But what is worse, the localities abound in courts of which the

* "On some of the Numerical Tests of the Health of Towns." By Arthur Ransome and William Royston.

following may be considered as a common description. They are entered by a narrow arched passage, and closed at both ends, often by high buildings; they are but a few yards, and sometimes feet, in breadth; they have houses on both sides varying in number from 1 to 6 and 8 or more. The privies are placed either at the end or ends of the courts, or else between two of the houses (this also applies to many streets). . . . In many parts of the city the houses are built 'back to back,' having a centre wall common to two rows of habitations. Examples of this are very numerous; often whole streets are built on this principle. In almost every street and court, the cesspools and middens were in an overflowing condition, and the seats of the privies covered with offensive matter."

With regard to the mode in which these houses were tenanted, the same writer noticed that overcrowding was the rule, and that in some houses there were 7, 11, 12, 13, and even 16 persons in a space which only contained sufficient air for one. During a night visit to several districts, he describes some of the scenes which he witnessed:—"Some of the rooms were in an extremely offensive condition; in many instances the ceilings were so low as scarcely to admit of the erect posture. . . . The occupants of the beds were for the most part in a state of nudity, and were huddled together in the same bed, men, women, and children, without any reference to age or sex. Some of them were sleeping on bedsteads, but the majority were on the ground or floor. . . . It was no uncommon thing to find four or five lying lengthwise on a bed, and one or two contrariwise at the foot of the bed. . . . In every instance the windows were found closed, and the inlets for air stopped up."

We cannot be surprised that a large mortality should prevail in the midst of such scenes as these.

But since the year 1851, much has been done to improve the physical condition of the city. Some of the worst parts of the town have been demolished, to make room for broad streets and stately warehouses. From returns kindly furnished to us by officers of the City Council, we learn that the number of inhabited cellar dwellings has diminished nearly one-half, viz., from 4,849 in the year 1852, to 2,762 in 1865, and their inhabitants by 8,348, viz., from 19,396 to 11,048 persons.

Within the same period a large amount of drainage has been effected. Between the years 1850 and 1859, an area of more than 200,000 square yards of streets, courts, &c., was paved and drained at a cost of about £60,000.

Since the year 1851 also, by the energy of the corporation, and the engineering skill of Mr. Bateman, Manchester has been supplied with plenty of almost perfectly pure and soft water from the Derbyshire and Yorkshire hills, from reservoirs capable of supplying about 39 millions of gallons daily.

Amongst many other advantages conferred by this great work upon the inhabitants of Manchester, we may probably count their remarkable freedom from diarrhœa and other kindred disorders. In 1854,

when cholera attacked with severity many other parts of England, Manchester entirely escaped.

In Salford similar improvements have been carried out, and in addition to ordinary municipal and sanitary work, a most excellent system of sanitary inspection has been in practice for several years. Since 1860, the vital statistics of every street and alley in the town have been collected and published every six months.

Other agency has also been at work. Any report upon the health of Manchester and Salford would be incomplete without some allusion to the efforts of the Sanitary Association.

Sanitary Association.—This association was founded in the year 1852, by a number of gentlemen interested in the welfare of the town, and anxious to ameliorate the condition of the poor.

While seeking to extend education to the lower classes of the population, they were struck with the impossibility of making any progress in this direction, until some change had been brought about in the unhealthy and debasing mode of life of these people. They began their undertaking with two chief objects in view :—

1. To promote attention to temperance, personal and domestic cleanliness, and to the laws of health generally.

2. To induce the public to co-operate with boards of health in giving effect to regulations for sanitary improvement.

A detailed account of all that has been done to carry out these purposes would occupy too much time, a simple enumeration of the chief labour of the association is all that we can give.

1. In order to call the attention of the working classes to the importance of the subject, and in some measure to instruct them in the laws of health, several tracts on sanitary subjects, and cards of directions as to the management of children, were published, and of these upwards of 100,000 have been sold or distributed since the establishment of the association. In the same period 435 free lectures on subjects connected with health have been delivered in the worst parts of the town. (The average attendance at these lectures has been from 350 to 400 persons.) Class instruction in the laws of health has also been given to school-masters, city missionaries, and bible women, and prizes have been offered to working men for the best essays on subjects connected with the social improvement of the poor.

2. The association has frequently been called upon to make efforts to prevent the spread of epidemic disease. Since 1854 they have done their best to guard the inhabitants of the town from the attacks of epidemic diseases, by urging from time to time the removal of nuisances, and the adoption of improved methods of dealing with sewage, as well as by pointing out the necessity of vaccination for the prevention of small-pox, the use of disinfecting agents, and the advantages of the removal of the sick-poor from the neighbourhood of the healthy, to special wards or hospitals ; and, as occasion arose, they have published and circulated recommendations respecting the various epidemics of typhus, small-pox, scarlet-fever, measles and whooping-cough.

3. Other causes of disease and death have also been continually combated by the committee: they have sought, in various ways, to diminish the evils of intemperance, improper food, uncleanliness, and overcrowding; and have tried to prevent the adulteration of food and drink, the sale of poisons and impure drugs, the contamination of water by lead, and the vitiation of the air by smoke, and other noxious substances; they have constantly opposed the burial of the dead within the town, and have published useful reports upon ventilation, upon the best dwellings for the poor, and upon the value of open spaces and playgrounds in the town.

They have petitioned that more power of dealing with unhealthy conditions of rivers, houses, and districts, should be granted to the members of the corporation, and have promoted the formation of a nurses' home and training school, with a view to the employment of district nurses as sanitary missionaries throughout the town.

4. In addition to these labours, the committee began as early as the year 1854 to make returns of the mortality from epidemic disease in the several districts of Manchester; and, what is even more valuable, they now also publish weekly returns of disease and death, from public and charitable institutions and poor-law districts. These returns are voluntarily and most kindly, with the utmost regularity, contributed by forty-five gentlemen connected with these institutions; they afford a means of speedily detecting the advance of an epidemic, and of studying its course, and the tables have proved most valuable upon several occasions, giving exact and timely intelligence of the presence of disease, and enabling the authorities promptly to deal with it. They also constitute a most valuable series of medical statistics, they give the relative amount and kind of disease prevalent at different times in the districts of Manchester and Salford, and show how health is affected by the varying seasons of prosperity or distress, and by other surrounding conditions.

It will be seen, then, that strenuous exertions have been made, both to make Manchester a more healthy place to dwell in, and to improve the condition of the inhabitants.* What, then, has been the result? In the first few years after the establishment of the Sanitary Association, the death-rate varied slightly from 37.2 to 35.7 per 1,000; then for a few years, from 1856 to 1860, the mortality seemed to diminish (the average for this period being only 31.6 deaths per 1,000), and there was ground for hope that this success would be permanent; but the five following years (from 1861 to 1865) disappointed these

* In concluding his paper on the Social and Educational Statistics of Manchester and Salford, published in 1862, Mr. D. Chadwick remarks:—"That during the last twenty years the progress and general prosperity of the district have been very great, and that, whether viewed in regard to material comforts, the means for obtaining education and intellectual advancement, the making provision against the occurrence of sickness, accident or distress, or in any way in which the general welfare of the great mass of the people can be estimated, there has been a large and gratifying increase in the means placed at their disposal for improving their physical, moral, and intellectual well-being."

anticipations. In 1861 the death-rate was 33.0 per 1,000, in 1863 35.7 per 1,000, and in 1865 39.0 per 1,000—higher than it had ever been since the establishment of the registration of deaths. Several explanations have been offered of this very rapid increase in the mortality. From 1861 to 1863, during the American war, owing to the scarcity of cotton, great distress prevailed in these districts. In spite of the exertions which were made for their relief, hundreds of thousands were reduced, as Dr. E. Smith and Mr. R. A. Arnold have shown, to the most extreme straits of poverty. Many were forced to attempt the solution of that hard problem—What is the smallest quantity of the cheapest food that will keep body and soul together? It was supposed at one time, that the advancing rate of mortality was due to the distress which prevailed at this time; but the Sanitary Association at various periods, and Dr. Noble, in his paper "On the Fluctuations in the Death-rate," showed that there was no connection to be traced between the Lancashire cotton famine and the increased rate of mortality.* The following Table (III.) also shows that other places entirely out of reach of the cotton distress had a still larger increase of mortality.

TABLE III.—Deaths in the March Quarters of 1861, 1862, and 1863, at the following places:—

Unions.	Average of 1861 and 1862.	1863.	Increase per cent. in the March Quarter, 1863.
Manchester, Chorlton, Salford	3,267	4,054	24
West Ham	297	409	37
Leeds	802	1,109	38
Woburn	52	73	40
Bristol	363	523	44
Guildford	121	175	44
Sheffield	787	1,157	47
Clifton	433	665	53
Birkenhead	292	450	54
Isle of Wight	191	300	57
Amersham	83	137	65
Leicester	417	707	69
St. Austell	141	249	76
Sudbury	124	220	77
Ware	68	136	100
Hinckley	69	158	128

During the first part of the period in question, typhus fever, although never entirely absent from the town, was very rare, and the

* Charts were exhibited showing the rise and fall of measles, small-pox, and scarlet-fever during the years 1862 to 1864, and the proportion of deaths from various causes from 1861 to 1865. They pointed to the conclusion that the heavy mortality of the year 1863 was chiefly owing to the extraordinary prevalence of epidemic disease.

large fever hospital of Manchester almost fell into disuse; but in the autumn of 1862, cases of this disease began to be more frequent, and throughout the years 1863 and 1864 it advanced steadily, but with varying rapidity. In the course of the year 1865, it has been calculated that about 2,000 cases of typhus came under treatment in public practice alone, and 911 deaths from this cause were registered in the eleven districts which make returns to the Sanitary Association.

Allowing, therefore, for all temporary influences, we do not gain any sign of progress. When the last ten years are taken together, the average annual death-rates for Manchester and Salford are 33 and 26 in the 1,000—almost exactly the same as in the ten years from 1841 to 1851. It will be seen at once, then, that the death-tax levied upon the inhabitants of our town is as heavy as ever.

It should, however, be borne in mind that to some extent these figures make the case worse than it really is. During the last twenty years, although there has been a strong current of immigration, bringing fresh blood from the country into the town,* yet these persons are nearly all of the lower working class, and, on the other hand, there has been a most exhaustive outflow of all the upper classes. In this manner, whilst some districts in Manchester have increased in population, others have diminished, and all have been entirely drained of their wealthiest and healthiest inhabitants.

TABLE IV.—Showing movements of the Population in the Superintendent Registrar's Districts of Manchester—1851 and 1861.

SUB-DISTRICTS.	Population.		Increase or Decrease per cent. in 10 Years.
	1851.	1861.	
Ancoats	53,737	55,983	+ 4.18
Deansgate	33,219	29,029	— 13.29
London Road	31,890	28,817	— 10.09
Market Street	27,067	23,526	— 13.09
St. George's	41,073	48,055	+ 17.00
Newton	12,777	19,311	+ 51.15
Cheetham	14,326	21,731	+ 51.68
Failsworth	5,337	6,312	+ 18.21
Blackley	3,961	4,939	+ 24.69
Prestwich	5,046	6,285	+ 24.55
Total	228,433	243,988	+ 6.65

All who can afford to live in the suburbs or further out in the country, fly from the town as if driven by some centrifugal force, and the result is, that at the present time the poor, who unfortunately furnish the largest proportion of deaths, are left to their own ways, without the advantages of good example, almost the sole possessors

* This is well shown by the Tables given by Dr. Morgan in his paper on "The Danger of Deterioration of Race from the too-rapid Increase of Great Cities," printed in the *Transactions* for 1865, p. 427.

of the township of Manchester and the greater part of Salford. We cannot, therefore, fairly compare these places with other towns like London and Birmingham, which still count within their borders a considerable number of well-to-do inhabitants.

Yet after all we cannot but assign to our city a very low place in the scale of health; and the question arises, to what is it to be attributed? Is this mortality still due to the physical conditions of the place, or can it be ascribed to other sources?

No one cause will account for the full list of disease and death; there are many powerful foes to health at work, and the excess over a healthy rate must be apportioned amongst them, by accurate calculation founded on facts carefully observed. Different observers will estimate the various morbific causes at different values. Let us briefly consider them in order, grouping them in the two great classes which have already been mentioned.

1. *Physical Causes.* Notwithstanding what has been done to improve the sanitary condition of Manchester, it still remains in a very unsatisfactory state.

The reports which have recently been made to the Manchester Statistical Society, by the sub-committee appointed to inquire into the sanitary condition of certain districts in Deansgate and Ancoats, give a deplorable picture of those portions of the town; thus in Ancoats, in the year 1866, within an area of about twelve acres, out of a total of 607 houses, no less than 398 or 65.57 per cent. were single houses, or houses having no passage through them, and no backyards, and "very many of the habitations were in such a condition, partly from the filthiness of the inhabitants, and partly from the smell of privies, drains, and animals, and the dampness of the walls, and, in some cases, the ruinous condition of the buildings, as to be almost intolerable and wholly unfit for human dwellings."

Many of the reports recently made to the Chorlton Board of Guardians by their medical officers confirm these statements.* The districts seem to abound in sanitary abominations of all kinds: streets of back-to-back houses; narrow, close, badly paved courts; dark and noisome cellar-dwellings; neglected, ruinous, and filthy privies; cesspools under bedrooms overflowing, or slowly draining into the narrow passages, and even into houses, and their contents sometimes in a state of active fermentation or putrefaction.

This account is but a repetition of the description before given of the state of things fifteen years ago, and there are good reasons why the sanitary condition of the cottage-dwellings of the town should get worse instead of better. Every physical improvement of a public character involves, almost in every case, a large destruction of small habitations, which are swept away by hundreds to make way for new streets, railways, public buildings, or warehouses. Although many dwellings thus destroyed were in a miserable condition

* *See* Report of the Medical Committee to the Chorlton Board of Guardians, 1866.

the state of those which are left rapidly becomes worse. The poor cling to the old localities, and are thus driven to herd more and more closely together, and greatly to overcrowd the houses which remain.

Again, although it is now illegal to erect back-to-back houses in and around Manchester, yet in some districts a custom prevails of sub-letting certain rooms, by which at times the law is practically evaded. By closing the door in the passage between the front and the back part of the houses, and letting the portions separately, all the evils of back-to-back houses are equalled if not exceeded; all ventilation of the houses is prevented, and the back apartments form miserable dwellings opening upon a narrow passage, with ashpits and privies close to the door.

Giving full credit to the city authorities, and especially to its "sanitary committee" for anxiety to amend this most objectionable state of things, the task is of such vast magnitude, and by the present method of administration authority is so much weakened and responsibility so much diluted by division, that no real change for the better can be made without a complete remodelling of the sanitary department of the corporation, and the appointment of a responsible medical officer of health.

2. *The Vitiated Condition of the Atmosphere.* Mr. John Leigh has recently contributed three most valuable papers to the quarterly returns of the Registrar-General, upon the "Causes of the Vitiation of the Atmosphere of Manchester," and therein shows most clearly what a powerful influence for evil is exerted day after day upon the inhabitants by the various impurities, solid, vaporous, or gaseous, with which the air of the town is laden. Dr. Angus Smith, also, has found that the atmosphere of Manchester contains an inordinate amount of carbonic acid, and a diminished proportion of oxygen, besides sulphuric acid and other irritating vapours, and probably also various organic compounds.*

It is impossible to enter adequately into this subject within the brief limits of this paper, but we fear that there are strong reasons for ascribing a very large part of the constantly excessive mortality of the town to this cause. Its influence is to be observed in the blanched and pallid looks of all the dwellers in the town, but especially of the children, who droop and become etiolated like plants exposed to the same influences.†

But the effects of this polluted atmosphere are chiefly to be noticed in the prevalence in Manchester of affections of the lungs, the organs most exposed to its action. In successive reports upon the relative amount of disease in Marylebone, London, and in Manchester, drawn from the weekly returns of the Sanitary Association, it has been

* "In the town my children grow pale, their appetites fail, they become thin and listless, and ready to be the prey of active disease; yet all circumstances, save atmosphere alone, are the same as those of the country."—Mr. Leigh, in *Quarterly Returns*, p. 68.

† "On the Air and Rain of Manchester." Memoirs of the Literary and Philosophical Society of Manchester, vol. 10.

observed * that not only phthisis but other diseases of the lungs, such as bronchitis, influenza, and catarrh, occur much more frequently in proportion to other diseases in Manchester than in London.

Again, Dr. Greenhow points out that in almost all large towns diseases of the lungs, including consumption, prevail to an excessive extent.

Table V. compares the rates of mortality from these diseases in several towns, with those of various country districts: the result is sufficiently striking.

TABLE V.—Average Annual Number of Deaths from Pulmonary Affections (including Phthisis) to each 1,000 persons of either sex during the five years 1855—59.

Population in 1851.	Registration Districts.	Chief Occupation of Inhabitants	Death-rates by Lung Diseases.	
			Males.	Females.
57,944	Stoke-upon-Trent	Earthenware-makers	7.84	6.17
103,626	Sheffield	Iron-workers	8.39	6.70
63,827	Macclesfield	Silk-workers	7.43	8.13
	Prestbury, Adderley, &c.	Country districts	4.43	6.15
96,545	Preston (borough)	Cotton-workers	9.75	9.28
	Longton, Walton, &c.	Country districts	3.58	3.76
60,642	Leicester	Stocking-makers	7.40	6.59
173,951	Birmingham	Metal work button-makers	8.38	6.99
104,158	Wolverhampton	Metal work, mining	7.31	6.92
36,812	Coventry	Silk-workers	6.61	5.73
90,738	Blackburn	Cotton-workers	7.05	7.34
58,419	Nottingham	Lace-makers, hosiery	8.13	7.03
—	As standards	for comparison:—		
56,637	Six northern districts	... ...	2.97	3.04
71,330	Six southern „	... ...	4.11	4.54
183,154	Ten south-west. „	.. ..	4.46	3.95

Dr. Greenhow attributes the large amount of lung disease in these towns to the following principal causes:

1. Inhaling an atmosphere (*a*) impregnated with dust formed of fine particles of various substances, or (*b*) containing carbonic acid or other gases unfit for respiration.
2. Working in ill-ventilated or over-heated factory rooms or workshops.
3. Exposure to vicissitudes of temperature.
4. Working continuously during many hours daily at a sedentary occupation, or in a stooping or constrained posture of body.

In Manchester, the variable humid atmosphere might be supposed

* Analysis of the *Weekly Returns* of the Sanitary Association.

to exert some influence in predisposing to these diseases, but it has been pointed out* that the climate of the town is more equable than that of the country, and a glance at the table will show how little the mortality from affections of the lungs is influenced by the geographical position of the place. We shall also give reasons, presently, for believing that the common work of the population has very little to do with it; and Dr. Greenhow remarks that, in several towns, the prevailing lung disease seems scarcely to attack the workers in the several manufactories more than others.

We cannot resist the conclusion, that although these affections may be partly due to mechanical irritation by "cotton flue," and other substances arising from the work, they are still more frequently produced by the subtle diffusion of smoke in the atmosphere, and the general vitiation of the air by noxious vapours and gases.

3. *Health of Factory Operatives.* We have endeavoured to discover whether there is anything peculiarly unhealthy in the kind of work performed by a large portion of the population, whether the labour in the mills and factories would account for any portion of the mortality and disease prevalent in a manufacturing town.

It was not unreasonable to suppose that the lung diseases which we have just mentioned might have happened to the mill-hands from sudden alterations of temperature, from exposure to cold after working in the heated air of the factory.

In order to test the truth of the surmise, a district in Manchester, Ancoats, was selected, containing a mixed population of 55,000 persons, many of whom are factory hands.

The death register for this district was then consulted, and an abstract was made of the deaths, the causes of death, and the ages at death of certain classes of the population between the ages of 20 and 60. From this abstract the following tables (VI. and VII.) were constructed.

TABLE VI.—Showing the per-centage of Deaths from Lung Disease, of Factory Operatives and others, between the ages 20 to 60, in the District of Ancoats, during the years 1860–61–63–64–65.

Years.	Factory Workers.	Other Labourers.	Small Shop-keepers and other Masters.
1860	58	59	58
1861	65	57	41
1863	51	58	60
1864	70	60	54
1865	61	67	62
Average rate—	61	60	55

* Analysis of the *Weekly Returns.*

TABLE VII.—Showing the Average Age at Death of the above Classes.

Years.	Factory workers.	Other Labourers.	Small Shop-keepers and other Masters.
1860	44.5	41.6	46.1
1861	42.4	39.0	42.0
1863	44.5	41.4	41.7
1864	38.4	40.6	41.3
1865	42.0	40.1	41.7
Averages—	42.3	40.5	42.5

There are two interesting conclusions to be drawn from these tables.

1. That the factory operative is scarcely more liable to die of affections of the lungs than other labourers, the percentage of deaths from these causes being 61 of the former and 60 of the latter.

2. That the average age at death of the factory worker is rather greater than that of the ordinary labourer, and very little less than that of the poor shopkeeper, publican, or master workman.

These two conclusions are confirmed by the observations of Mr. Neison, with regard to the amount of sickness amongst different classes of workpeople. His results are given in Tables VIII. and IX.*

TABLE VIII.

Occupation.	Aggregate amount of Sickness experienced in passing through the following periods of Life.	
	From Age 30 to 40.	From Age 40 to 50.
Blacksmiths	8.5676	13.2624
Bricklayers, Plasterers, &c....	8.8554	12.8471
Carpenters	9.0781	10.8080
Agricultural Labourers	10.1360	14.1457
Town and City Labourers	10.7897	14.9163
Mill Operatives	7.2435	12.0533
Miners	15.6215	25.5730
Plumbers, Painters, and Glaziers ...	8.6707	17.7194
Servants	7.5761	10.4663
Shoemakers	8.0200	12.0715
Spinners...	9.4789	18.4460
Stonemasons	11.2959	16.4316
Tailors	9.6825	12.0638
Weavers...	10.5768	13.9304

* Contributions to "Vital Statistics," p. 426, by Mr. Neison.

TABLE IX.—Sickness amongst Factory Occupations. Rural Districts, Towns, and Cities. Expressed in Weeks.

Age.	Operative Population	Sickness amongst operatives per annum.	(a).	Sickness per annum in England generally.	(b).
21—25	3,279	.667	1.416	.8564	1.7578
26—30	4,989	.749		.9014	
31—35	5,820	1.206	3.085	.9248	3.7544
36—40	5,759	1.413		1.0718	
41—45	5,509	1.156	5.752	1.3443	6.8172
46—50	5,131	1.561		1.7185	
51—55	4,080	2.457	12.111	2.3231	12.4176
56—60	3,189	3.902		3.2773	
61—65	2,078	5.749	26.877	5.4983	29.0438
66—70	1,384	9.017		11.1279	
71—75	691	16.887	79.620	18.4056	73.5060
76—80	304	35.856		26.2665	

At best, however, these figures leave little room for congratulation. It is perhaps satisfactory to find that the necessary work of these people is not in itself unwholesome; but that is a terrible picture of the health of Manchester which shows that 60 per cent. of the adult population (between 20 and 60) die of lung disease, and that their average duration of life is only 42 years.

MORAL AND SOCIAL CAUSES OF DISEASE.

When we turn to the moral and social condition of the inhabitants of Manchester, we find abundant instances of the truth of Lord Stanley's observation that "physical and moral decay necessarily go together." The committee of the Statistical Society and the officers of the Educational Society give most discouraging reports of the social condition of large masses of the people. Thus it is calculated by the committee of the latter society that in the year 1864, out of 85,000 children between the ages of 3 and 12 years, belonging to the poorer classes, only 30,000 attended school, and that a very large proportion were neither at school nor at work. Again, Mr. Oats, the hon. secretary of the Statistical Society, states that, in one district, forming part of Deansgate, out of 713 houses there are 44 devoted to liquor traffic, and that out of 211 houses forming two streets only 56 could be marked as clean and apparently respectable. It

* Mr. R. A. Arnold's observations lead to similar conclusions. In his work on the "Cotton Famine," he says:—"As regulated by the Factory Laws, operative labour in those establishments—and there are many which are well ventilated and cleanly—is not by any means an unhealthy form of industry. The high and damp temperature will not make rosy cheeks, and the general paleness of complexion is one of the most remarkable features of the people. But with personal cleanliness, rendered peculiarly necessary by the sudorific effects of their working atmosphere, and temperate habits, the operative has a far better chance of a long life and a merry one than the agricultural labourer."

is probable that all forms of moral debasement, and ignorance of the laws of health, lead to disease and premature death, but it will be necessary to notice two or three especially fruitful sources of disease.

1. *Intemperance* has often been noticed as a cause of disease, and it is difficult to over estimate its gravity. According to tables carefully drawn up by Mr. Neison from copious *data*, the rate of mortality amongst persons of intemperate habits is shown to be "frightfully high, and unequalled by the results of any other series of observations made on any class of the population of this country." At the period of life from 21 to 30, the mortality is upwards of five times that of the general community, and the effects of the different kinds of drink are thus shown :—

The Rate of Mortality

Amongst beer drinkers	is 45.97	per 1,000	yearly.
„ spirit „	„ 59.96	„ „	„
„ mixed beer and spirit	„ 61.94	„ „	„

"Truly," he says, "if there be anything in the usages of society calculated to destroy life, the most powerful is certainly the inordinate use of strong drink."

It has often been said that in any place, the more numerous the facilities for drinking the greater the amount of drunkenness, and we may now surely add the larger will be the rate of mortality. In Liverpool, the excessive mortality is attributed by many observers largely to drunkenness, and the Mortality Sub-committee of the Board of Health recommend that some control over the sale of intoxicating liquors should be given to the authorities.

2. *Hereditary Diseases of Immorality.* Dr. Morgan * has lately pointed out another source, not only of present disease and ill health, but also a cause of future deterioration of race. From the weekly returns of the sanitary associations and from other sources of information, he gathered that in the course of two years about 6,000 persons presented themselves for treatment at the public medical institutions of the town for well marked symptoms of constitutional syphilis. He remarks that "if we consider the abiding consequences too often associated with this disease, and the insidious manner in which it is liable to be passed on to the offspring, leaving an impress on the constitution which even several generations cannot wholly erase, we shall see good ground for believing that fear may be entertained respecting the future vigour of the race."

3. *Ignorance and Want of Care in the Nurture and Rearing of Children.* The small variation in the number of deaths over five years of age as compared with those under that age have already been pointed out by Mr. Royston, in his paper "On the Variation of the Death-rate in England. It would almost seem as if any inquiry into the means of diminishing the excessive death-rate in large towns is reduced to the causes of infantile mortality.

* "On the Danger of Deterioration of Race from the too-rapid Increase of Great Cities."

It will be at once acknowledged that any unwholesome conditions surrounding the inhabitants will tell with the greatest force upon the tender frames of young children, and hence most of the causes which we have already passed in review must be held to be in part at work, in producing the awful amount of mortality amongst these children, but we believe that there are special causes besides.

In the year 1860, at the instance of a committee of the Sanitary Association, an abstract was obtained of the causes of all deaths under five years of age, which took place in the year 1859, in the different districts of Manchester. On comparing these with one another, it was impossible not to observe in the poorer districts, the excessive number of deaths from such diseases as diarrhœa, whooping-cough, measles and bronchitis, disorders which are seldom fatal amongst the children of those who are able and willing to take proper care of them. In Ancoats, in the year 1859, out of 1,493, the total number of deaths, 435 were of infants under one year of age, and of these 92 were caused by diarrhœa or dysentery, 109 by convulsions. A careful personal inquiry by a deputation of the above committee in the same district of Ancoats, gave still greater force to this observation, and the conclusion was irresistible that the excessive infant mortality of Manchester was mainly owing to "want of care and want of knowledge on the part of parents in the management of their children."

These are some of the causes of the past and present unhealthiness of our town. With regard to the future we look forward with mingled fear and hope.

There is a strong tendency on the part of our populations to become more and more massed together, and so long as this continues there is much reason to fear that the rate of mortality will not materially diminish. Still, there is a better feeling abroad respecting measures of sanitary improvement; men's minds are continually turned towards the various methods of ameliorating the state of that lowest stratum of society, which at present is such an opprobrium, and such a source of future danger to the prosperity of the country. Isaac Taylor has said—"Improved methods of doing what has hitherto been done, system, intelligent adaptation of simple expedients, combination in benevolent enterprises, these things have become the characteristics of the time present, and they are its bright points of hope as to national progress, they are means of reform of which we are only just now beginning to form some conception."—"Ultimate Civilisation," p. 41.

So far as knowledge constitutes power, we are in a much better position now for preventing excessive mortality amongst our town populations than we were formerly. We know better the area and depth of the wretchedness and disease with which we have to deal. It has been well surveyed and measured by the Sanitary Association and the Statistical Society.

We know more accurately the effects of impure air, whether

arising from simple overcrowding, from accumulations of filth, or from the noxious outpouring of our manufactories. We have learnt not only that it probably conduces to the spread of epidemic disease by lowering the powers of life, and possibly by favouring the existence of the morbid leaven, but also, what is even more important, that it is a powerful influence predisposing to scrofulous or tubercular disease. We have learnt the value of good water, and know more accurately what dangers lurk in its possible impurities. The cotton famine, also, with all its privations, has taught us what are the best and cheapest articles of food, and how they may be prepared and distributed most advantageously to the poor by means of public dining-rooms and kitchens. We are also more ready to meet outbreaks of epidemic disease, for if we do not know much more about the diseases themselves, we have learnt more of their mode of distribution, and of the circumstances favourable to their progress, and, by taking precautions against infection, we can ride out the storm of disease until its virulence has passed away.

We will conclude with a simple statement of the means by which we think that the health of Manchester and Salford might be improved :—

1. Our first care should be to provide better and healthier homes for the working classes. We believe that the time has come when the building of large numbers of well-arranged cottage-dwellings for the poor would not only be a right and benevolent undertaking, but, with care and proper encouragement, would also yield a reasonable profit upon the outlay.* The corporations of Glasgow and Liverpool have recently proposed to expend very large sums in rebuilding the worst parts of these towns, upon improved plans. It would be well if all towns were able to follow their example.

2. All back-to-back houses should be done away with by breaking through the partition walls, and no permanent division between the back and front portions of dwelling-houses should be allowed.

3. Cellar-dwellings should be entirely abolished.

4. Over-crowding should be prevented, not only in lodging-houses, but all other dwellings.

5. A complete reformation is needed of the present detestable system of privies and ashpits, either by the substitution of a well-arranged and well-ventilated water-system, or by some other means, of completely preventing the accumulation of filth and the formation of noisome exhalations.

6. All streets or alleys closed at one end should be made thoroughfares, and all courts or "wynds" should be opened out at both ends by streets, not by covered passages.

7. Wide open spaces should be left in different parts of the town.

8. Any fouling of the atmosphere by smoke, or by any kind of injurious gases from manufactories, should be prevented as much as possible.

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* *See* "The Homes of the Working Classes," by J. Hole.

9. Reception-houses for infectious complaints should be established in different parts of the town, and, upon the occurrence of any epidemic, these should be increased in number as the need may be felt.

10. Some more efficient control should be exerted over the sale of intoxicating liquors.

11. District nurses should be appointed in every part of Manchester, not only to tend the sick poor, who urgently need their care, but also to act as missionaries of sanitary truths, to teach the value of the laws of health, and especially to guide mothers in the nurture and management of their children.

12. A medical officer should be appointed to superintend all sanitary improvements, and to be responsible for the proper carrying out of the necessary regulations.

Last, but not least, all those who are able themselves to escape from the deteriorating influences of a town atmosphere, should co-operate earnestly with the Sanitary Association and Education Aid Society, and with the clergy of all denominations, and, what is most important, should endeavour, with care and tact, to bring their personal influence to bear upon the inhabitants of the poorer districts, and, in spite of all discouragements, should strive to raise them from their present depths of ignorance and wretchedness.

HOSPITAL NURSING.

Hospital Nursing. *By* ELIZABETH GARRETT, L.S.A.

THE question of hospital nursing is one which has received, during the last ten years, considerable attention, and which excites interest among people not immediately connected with hospital administration. It may be noticed, in the first place, that in the discussion of the question, no doubt has been raised as to the value of good nursing. Thanks to Miss Nightingale, most people have some notion of what nursing should be—everyone wishes it to be good, and everyone agrees that, to be so, it should be in the hands of trustworthy and intelligent women. Unanimity even goes a step beyond this; for those who are in a position to decide upon the merits of our present system agree in saying that it wants reform. The point of divergence is reached when we ask for a plan upon which the reform shall be based. Hospital nursing, like most other employments, may be undertaken in either of two ways—that is, in what may be briefly described as the commercial way, where the work is chosen primarily for the sake of the income to be gained by doing it, or in the philanthropic or religious way, where the work is done gratuitously. The words "commercial" and "religious" must be understood as referring only to the motive for the choice of an employment,

not necessarily to the spirit in which it is done. Commercial work may be done religiously, or religious work commercially.

The commercial method is that which has, till quite recently, prevailed in all our hospitals. The main point at issue between those who discuss the question of hospital reform is, whether it shall be continued or whether it shall give place to the religious or volunteer method. It will clear the ground for the consideration of this question to state briefly the distinctive features of the present system and its rival.

In the majority of English civil hospitals, the nursing department is under the control of the matron. Choosing the nurses and overlooking them form two of her most important duties. The nursing staff consists of two classes—the head nurses and the under nurses. The former are in some hospitals called sisters, to distinguish them from the under nurses. These are again divided into night and day nurses. The head nurses are responsible for from thirty to fifty patients; they give medicines, attend to the surgical dressings, receive the medical directions for each patient, keep order in the wards, serve out the dinners, and see that the actual attendance upon the patients is given by the under nurses. As a rule, they are skilful, experienced, and kindly people, very well suited to their work. They usually belong to the lower section of the middle class, are the widows of small tradesmen or clerks, or less frequently they have been confidential domestic servants. Their salary varies from £20 to £50 a year, with board and residence.

The under nurses wait upon the patients, assist the sister in her duties, and in many cases clean the ward. One nurse is found to be enough for fourteen or fifteen patients, so that every head nurse has two or three under nurses beneath her. The latter are, as a rule, vastly inferior to the head nurses, both in intelligence and character. They are commonly below the class of second or even third-rate domestic servants; if they were not nurses, one would expect them to be maids-of-all-work, scrubs, or charwomen. They receive about £10 or £12 a year, with partial board or board wages.

From them, again, there is an apparent descent to the night nurses. I believe it is apparent only, and that actually they are much on a level, the night nurses seeming worse only because more is required of them, and because they are left for several hours entirely without supervision. When they do not live in the hospital, they eke out their scanty incomes by working the best part of the day, and, consequently, they come to the hospital hoping to be able to sleep the greater part of the night. On the whole, ordinary hospital nursing may be described as a mixture of good, indifferent, and bad—the head nurses being often very good, the under nurse fairly good when under supervision, and bad when left without it.

In contrast to this, the volunteer method puts the nursing department into the hands of ladies who, having elected to do the work, are interested in doing it well. The main difference is, that the control no longer rests with the matron, and that

at least the higher part of the nursing is done gratuitously. The head nurses are replaced by ladies, to whom the under nurses are directly responsible. At King's College and University College Hospitals, in London, where this method has been introduced, there is but one opinion as to the immense improvement in the nursing since the change was effected. The *Lancet* has recently given emphatic testimony on the same point. Referring to the volunteer help given during the cholera epidemic, it says: "The nursing by ladies is the very best nursing that England has yet seen;" and it prophesies that we cannot long refuse to adopt a system "which embodies intelligence, the keenest sympathy, refinement," and, as it might have added, "economy." In fact, the advantages to the patients and to the hospitals are so great and so obvious, that it is astonishing to find anyone blind to them. It is all gain to them to get in the place of paid servants ladies who are willing to do the work for nothing in a peculiarly admirable manner. But admitting the superiority of ladies as nurses, it is still possible to question the wisdom of asking them to take up nursing as a profession. No amount of medical testimony in favour of their fitness for the work is of much avail when we are asking, "Is the work fit for them?" The *Lancet* says it is, apparently on the ground that the volunteer cholera nurses, in spite of very hard work, continued in excellent health. And, in truth, the "health and strength" argument, as it may be called, is entirely with those who advocate nursing by volunteers. There is very little room for doubt that most ladies would find the work of hospital nursing positively invigorating. Constant exercise in large and airy wards, employment of the kind which prevents morbid introspection or continuous mental exertion, absence of anxiety, regular and early hours, simple diet, and a life at least much less dull than that of most single women, combine to form a sum of conditions under which the health of most ladies would rapidly improve.

The volunteer nurses in the cholera hospitals were by no means above the average standard of health, and among them there was but one opinion as to the hygienic effect of the work. One lady who had suffered daily from neuralgia for seven years lost it entirely from the day she came to the hospital; several agreed in saying they took more food in a day than they had before taken in a week, and in all there was the unmistakable look of healthy vigour. But the argument drawn from these facts has less weight when we reflect upon the beneficial influence of any regular work done with spirit and interest. It tells strongly in favour of doing something, but it does not decide what it is best to do. The question remains, is it for the advantage of the whole community that hospital nursing should be accepted as an unpaid profession by women of the educated classes? To answer this, it is necessary to consider the subject of unpaid *versus* paid labour somewhat broadly, not merely with reference to the special point at issue. It will probably be conceded that, wherever the circumstances of society and of the individual permit a

choice of work, there are two points to be considered—namely, the appropriateness of the individual for any special work, and of that particular work for him. A small amount of thought shows us that these two points require consideration in a kind of inverse proportion. The quality which our American friends have named, "faculty," fits its possessor to acquire skill in doing almost anything he attempts to do, but the power of doing small things well ought not to be used as a fetter to bind him perpetually to the doing of them. The same is true of women. A lady who, with very little training, does hospital nursing in a first-rate way is, *à priori*, likely to be able to do much more difficult things, and the question is whether it is desirable, for the sake of saving money to the hospital, to limit her permanently to work of so subordinate a character. What we want to know is, if hospital nursing can only be done well by gentlewomen—if the qualities which fit them for many employments pledge them, as it were, to this? For it must be remembered that, in virtue of their position and their advantages, cultivated women are bound to discriminate in the choice of work. As education multiplies power, the moral obligation of making a choice is also increased. If the highest work is to be done at all, those capable of doing it must be content to leave the easier work to others—to recognise that they are bound not to do it, but to leave it undone for the sake of those to whom it is the highest possible. True social economy demands not only that everyone should do something, but that everyone should do his best. The advantage of getting moderately easy work exceptionally well done for nothing is apparent only if those who do it are prevented from doing other equally useful work for which those whom they displace are entirely unfit. It is admitted generally now that, in a well-ordered household, the mistress ought not to do the domestic work herself if she can afford to keep servants, although, in virtue of her superior refinement, she is peculiarly capable of doing it well. For experience has shown that when she gives up her time to petty domestic businesses, the higher duties of her position get neglected, so that as there are appropriate people glad to do her cooking and dusting, as a means of getting their living, her duty is to see that they do them, and to reserve herself for work which they cannot do. I would suggest that what is true of domestic management is true also of hospital nursing. Admirably as ladies can nurse, the actual work of nursing is not much more appropriate to them than that of cooking or dusting in their own houses. It is not true that hospital nursing cannot be well done by women of inferior rank and culture, and therefore it cannot be entirely desirable that those of a higher class should spend their time in doing it.

The difficulties in the way of good hospital nursing would, I believe, be completely removed by the introduction of two reforms into the old commercial system. In the first place, the scale of wages should be uniformly raised to the maximum rate. In the official report on hospitals, made to the Privy Council in 1863 by Dr. Bristowe and

Mr. Holmes, much of the improvement observed in the nursing at St. Thomas's Hospital is attributed to the higher salaries given to the nurses since the Nightingale Training Institution was associated with the hospital. The reporters state that while the old rate of wages was, for the head nurses, £40 to £50 a year, without board, and, for the under nurses, 10*s.* to 13*s.* a week, without board, the present rate is £50 and £21 respectively, with board, and that this higher scale has been sufficient to gain for the hospital the services of a very superior class of women. Respectable clever women will not take the post of under nurse at the present minimum rate of hospital pay, and of course where the salaries are so low that none but intemperate charwomen will think of taking them, the nursing is as bad as intemperate charwomen can make it. The wages should be sufficient to attract respectable women of the rank of good domestic servants—that is, they should be somewhat above that which the people who are wanted could get in service, as an under nurse's life is necessarily less comfortable than that of most domestic servants.

In the second place, I would suggest that the supervision now confined to the day should be extended to the night. Nursing requires more thought and attention than the routine work of domestic servants, and therefore even fairly good under nurses should have over them one who would give them even more than the supervision which a careful mistress gives to her servants. It is not easy to see why the superior work of supervision should be done by unpaid labourers. It is the kind of work which many women who have to support themselves could do exceedingly well, and the keen demand for remunerated work among women of the educated class makes it desirable to open as many such situations as possible. The amount of employment thus opened would not be great, as probably not more than 200 such situations could be offered to women if all the hospitals in the United Kingdom agreed to use the services of paid lady superintendents. Excluding workhouse infirmaries, there are only about 100 hospitals having more than fifty beds, in England, Scotland, and Ireland. Two or three of these in the rural districts are too small to require more supervision than the matron ought to be able to give, and this is the case also with a few of the special hospitals in London. On the other hand, several of the large metropolitan hospitals could perhaps employ three ladies, so that the rough calculation of two for each hospital containing more than 50 beds will not be far from accurate.

It may be said that the objections here expressed to ladies doing the work of head nurses do not apply to those who, thoughv ery much in need of employment, are not likely to do anything higher than nursing. It sounds very plausible to say, "Here are a number of unemployed women, pining for work, not in need of payment, glad, indeed, to do the work of head nurses for nothing, and not at all likely to enter into any more difficult work. Surely they may offer thus to give their time to the service of the sick poor?"

I admit that to say "No" sounds somewhat hard, but the hardship is removed by the simple expedient of their taking the salary which

should rightly go with the work. It is not fair to the women to whom work is bread, that those to whom it is luxury should come into the market and cheapen its price by giving what the others have to sell. The notion that there are crowds of women eager to do hard work for nothing very much increases the difficulty of those who have to live by their work. It would be far better that it should be accepted as a point of honour among women, as it is among professional men, to take without question the salary or fee which belongs to any post or work, even when the recipient is not without some private income.

The difficulty of spending the extra money need never be great or permanent, or the salary could be returned indirectly to the hospital.

But it may farther be asked, why have not ladies the right to give their services when the hospital physicians and surgeons give theirs? The answer to this is, that the cases are in no degree parallel. True, the medical staff usually receive no payment for their services, and even where a medical school is connected with the hospital, the fees received by its teachers are too small to be of any moment. But, on the other hand, the immense advantage of hospital practice more than repays anyone enjoying it for the time and labour it costs; the amount expended being, indeed, very much less than it would be in the case of a lady who made the wards her home.

Perhaps the only class of volunteer nurses to whom the objections now raised do not apply are those to whose exertions we owe the recent renewal of the discussion—those, namely, who come forward to give extra help in times of emergency. But there is no reason, because the ordinary staff of nurses are paid, why in times of sudden and unusual difficulty extra volunteer help should not be both offered and accepted. To help heartily for a month or two is very different from taking the routine work as an unpaid profession. In fact, it may fairly be doubted if the whole benefit of the help in the cholera wards would have remained had volunteer nurses been quite *en règle* in the hospitals. Their presence was then all the more valuable, because no one could take it quite as a matter of course. Half the good they did (and it would be difficult to say how much this was) in cheering and encouraging everyone, was due to the fact that neither the patients, the medical officers, nor the regular nurses were accustomed to their presence. The stimulus was felt the more from its being a novelty. Briefly recapitulating, in conclusion, the opinions now expressed, it is contended—

1. That hospital nursing can be very well done by the women of the lower middle class.

2. That the payment necessary to secure the services of appropriate people need not exceed £50 a year for the head nurses, and £21 a year for the under nurses, with board and residence.

3. That each head nurse thus paid could, if the size and arrangement of the wards permitted it, attend to not less than fifty patients, and every under nurse, in ordinary circumstances, to fourteen or fifteen.

4. That the influence of a lady superintendent over the nurses would be exceedingly good, as combining the principal advantage of the volunteer method with the advantages of the present system.

5. That the office of lady superintendent is one which should be held by a trained and qualified person, and that the salary should be what a lady of the educated class would be glad to take; for instance, not less than £150, with board and rooms.

6. That the employment which a general adoption of this plan would open to educated women is too limited to justify its advocates in thinking of nursing as a profession for ladies, in the sense in which the word "profession" is commonly used. Two hundred such situations represent the maximum number ever likely to be offered, and the probable number would be very much below this.

SANITARY LAW REFORM.

The Legal Aspect of Sanitary Reform. By EDWARD JENKINS, *Barrister-at-Law.*

PUBLIC health is public wealth. Every person laid aside by ill health is so much subtracted from the power and capacity of the State; and more than this, every person so laid aside is a drain upon the resources of the state. It takes more money to keep him than if he were well; one or more other persons in health are withdrawn from productive operations to expend their strength and time upon his recovery. If one-third of a town, or city, or state, is suffering from disease, there is cast upon the other two-thirds a proportionately greater amount of exertion than would otherwise be required of them, and there is exacted from them a proportionately greater contribution to the general expenditure, while there is less capacity both of work and contribution in the whole community. Time was when this obvious principle was unrecognised, and the state, which made paternal regulations to secure the health of men's souls—the state, which went to war to protect their liberties, and spent lives to save them—wholly avoided any observation of those permanent and subtle causes of danger to the health of the citizens that were likely to exist wherever two or three were gathered together in community of houses or homes. Even in England, where every sort of ill and grievance has been searched out with keen anxiety, while we were emancipating negroes, enfranchising householders, and abolishing oppressive taxations, the public health, a matter one would conceive of super-eminent importance, was neglected. By the course of two or three epidemics, and the philanthropic activity of a few earnest men, the public was fairly frightened into inquiry, and the result of inquiry alarmed the government into action. Since 1847, a succession of statutes has attested the importance assumed by this subject, and virtually the whole of our public health legislation is comprised within the last two decades. This legisla-

tion has worked wonders, and, with all its imperfection, was accomplished in the face of indifference and opposition, and has been impeded by the stupidity or neglect of local authorities. The government, obstructed on all hands, has been obliged to do its work in detail, and to carry measure after measure against the protest of what a recent writer on this question terms "indignant Bumbledom."

The Acts which constitute this legislation have been most various in their subjects and extent, and are enumerated in the paper by Dr. Stewart.

The compass of this legislation proves how vast and numerous were the evils to be remedied; its fragmentary character shows how gradually the public has been aroused to see the necessity of action; and it might have been supposed that after so large and apparently exhaustive a course of enactments, but little remained to be done to make the measures for the preservation of public health perfect and complete. In truth it is far otherwise. The Sanitary Act of the last session was an attempt to redress the imperfections and follies of past legislation—an attempt said to have been the result of many years' consideration—yet we think we shall be able to show that at this moment the whole of our sanitary system is constructed upon a bad basis, and requires both amendment and consolidation.

The number and variety of Acts, of amendments to them, of bodies or persons to whom their execution is committed—the fact that in many important cases the wording of the Acts leaves a discretion as to the execution of their provisions in the local authorities, who generally are disinclined to do anything that involves an addition to the rates, are chief among many reasons for a comprehensive review and amendment. Again, there are sections in local Acts and in general Acts which are collateral, aimed at the same nuisances, but in different words, and with differing remedies. Does "The Sanitary Act of 1866," in an effectual way modify or remove the faults and deficiences of former legislation? Does it grasp the whole subject in a comprehensive way and propound a scheme which is at once feasible and complete? We think not. We think its most ardent propagators will acknowledge that it does not, and that it cannot be accepted as a piece of final legislation. It is eminently suggestive, but in many instances, as we shall see, far from efficient. It makes important advances from a sanitary point of view, but from a legal point of view it continues the errors of previous enactments. We can only hope in the few minutes allotted to us to show in a general way what we conceive to be the main faults of our present system, and we shall endeavour to refer only to those upon which there is likely to be the broadest antagonism.

The most obvious and important deficiency is the absence of a central overlooking power. The bodies appointed in different places to carry out the statutory provisions require to be placed under a capital council, committee, or ministry of public health, exercising over them a salutary supervision, and, in proper cases, endued with power to compel them in a summary manner to do their duty. This

has been objected to as a step in the direction of centralisation which would be injurious to local liberty and fraught with political danger. The distinction must, however, be remarked between *central supervision* and *central administration.* The former is compelling others to do their duty, the latter is doing duty by means of others. In the one case there is a certain amount of independence in the agents, in the latter there is none. This distinction ought to be regarded in assigning its duties to the proposed body. It should also be remembered that the administration of sanitary measures is of national as well as of local importance. Diseases amongst men and cattle, if not stayed in one district, proceed to another. The cholera at Southampton or Liverpool is an event of thrilling interest at London and Birmingham and Bristol, and, unfortunately, experience proves it to be unlikely that local authorities will have sufficient breadth either of patriotism or power to move for anything but self-preservation. Moreover, sanitary administration, to be at all effective, must be of the most summary character. The question of health or sickness to a whole district may simply be a question of hours. Should the local authority be slow in action, the machinery of the law, which works in a methodical order, may only be set in motion when it is too late to remedy the evil. Or, supposing the legal remedy to be specific and speedy—a very rare case—there may be wanting the individual who will be public-spirited enough to take the initiative against the local authority.

In proof of this, we may allude to a case brought before a branch meeting of the British Medical Association on the 26th of January last by Dr. Stewart. "In the autumn of last year he had been in a village in Hampshire in which the drainage arrangements were in the highest degree defective—the only drain being a watercourse. He had obtained the Acts with the view of aiding some of the inhabitants in an attempt to obtain improved drainage; but after reading them had been left in a state of utter confusion, and was only able to arrive at some meaning by erasing the repealed portions of the Public Health Act. Several of the inhabitants were willing to pay two-thirds, or even three-fourths, of the expense of the drainage, if the parish authorities would raise the remainder by a rate. Of this, however, there seemed no likelihood, and the principal obstruction was the surveyor. The Board of Guardians refused to act, and said that any householder might apply to the justices. He (Dr. Stewart) had consulted a high authority, and was told that a *mandamus* from the Court of Queen's Bench was the only mode of obtaining that which was desired. Rather than have recourse to this, those who were desirous of improving the sanitary condition of the place thought it might be better to carry out the drainage at their own expense."

In this instance, as Dr. Stewart has since informed us, the condition of the place, which had eight hundred inhabitants, was such as to justify serious apprehensions in the event of the outbreak of an epidemic. The stench from the watercourse was at times unbearable—there

were some houses and stables round which the overflowing feculent matter of dungheaps and *cloaca* lay in stagnant pools, not only sending up a continual miasma, but being absorbed into the walls of rooms in which human beings were living, eating, and sleeping. Had the place been within the operation of the Public Health and Local Government Acts, there would have been an effectual remedy, but before either of those Acts could be brought to bear upon the district, two-thirds of the owners and ratepayers must have agreed to it. The consequence was that this place, like a great number of large villages and towns in the kingdom, was left to the sanitary provisions of the Nuisances Removal Act of 1855, a measure which we shall presently show to be quite inadequate in the emergencies which arise.

Indeed there is a general complaint against the local authorities. To this complaint it is right to say there are some exceptions —that, for instance, of St. George's Hanover Square, to which Dr. Druitt gives a high character. The local authorities there however are selected from one of the most superior constituencies in the kingdom, and comprise men of position and wealth. St. Pancras is a more distinguished specimen on the other side. Dr. Stewart's Hampshire village is another. Mr. Jabez Hogg says of his parish, that "there is a sanitary committee which has the power of ordering improvements, unless where an expenditure of money is required, in which case the board of guardians must be consulted. He has found, as a member of the board, that the greatest obstruction to sanitary improvements came from educated men, from lawyers." The testimony of Mr. Lord of Hampstead is, "that in Hampstead, which would be supposed to be very healthy, there is much disease from time to time; but the attempts made to prevail on the board of guardians and vestry to carry out the necessary sanitary improvement, are often in vain. What is wanted, is a more coercive power over the local authorities." But the opinions of the most distinguished men are but indifferent in comparison with facts, and these of a conclusive character are readily forthcoming. The most complete sanitary legislation to be found perhaps on any Statute Book, is that relating to the metropolis. The Board of Works may be said to have had accorded to it an almost tyrannical sanitary sway, which is supplemented by powers and injunctions put upon the various vestries and district boards. Here at least we might expect to find a perfect system practically carried out. The recent epidemic has, however, proved that the immense rates imposed upon metropolitan inhabitants, and the great powers conferred upon local authorities, have not secured to London a sufficient sanitary system. Surveyors either forget or omit to do their duty, inspectors are either careless or are not numerous enough to cope with the labours requisite to so vast a field, vestries and boards are either indifferent or incapable, and perhaps even the Board of Works while executing the great drainage schemes, has been deficient in attention to lesser details. Mr. Humphreys, the able Coroner for Middlesex, whose activity during the recent epidemic entitles him to high honour and gratitude, in a letter to *The*

Standard thus described a few places which he visited in the east end of London.

"I supply a few instances that have come under my immediate notice, even since the advent of the cholera, showing the miserable defects of water supply and drainage, the disgusting condition and arrangements of closets, the total disregard of cleanliness of houses, overcrowding, and removal of putrid vegetable and animal rubbish.

"I will take Bethnal Green.—No. 32, Chilton Street. Tenants say privy blocked up for three months; not rectified for months after complaints made to parish authorities; no water-butts, very insufficient water supply, and that in cellars, and without drains to carry off surplus water; there is also a collection of putrid rubbish in cellar, there being no dust-bin, and smell therefrom most offensive and dangerous; dust very seldom removed; house and others adjoining not whitewashed or cleaned for years.

"No. 7, Thomas Street.—One tenant states his room not whitewashed or cleaned for thirty years. The collector found him whitewashing it one day, and told him it would fetch a shilling a week more when done, and so he should charge him that sum, whereupon he left off, and where he left off is plainly visible.

"No. 9, Vincent Street.—Formal notice given to authorities there; the privy stopped and soaking through the floor three weeks since, not rectified on Wednesday last.

"Old Nichol Street.—Small houses; in one forty-five people, another forty-one; water supply (eighteen gallon cask) alongside privy and dust-bin; no covers to water-butt or dust-bin.

"Sherwood Place.—Here is a yard at back nine feet by eleven feet for use of twenty-two people (*the property of a vestryman*); in centre is an open drain, closet flows through it, sending its stench and filth to the surface; over this open drain the inmates dry their linen; also in this yard an open dust-hole full of decayed vegetable and animal matter; in corner a privy without water, and adjoining it an open water-butt; putting one's hands into the water, pressing the side, a thick, foul, and horrible slime came off, and stuck tenaciously to one's fingers.

"31, Turvill Street.—Family of six in one small room; entrance to yard through cellar; in yard one water pipe for three houses of thirty-seven people, and three large workshops, a very small water-butt between the drain and adjoining privy, which is without water and untrapped; large collection of putrid vegetable matter and rubbish in yard.

"I could multiply instances to any extent, both in this and other parishes, but fear to occupy too much space. Need I add that cholera and its attendant miseries reign in such localities?"

Another letter from the Rev. Andrew A. W. Drew, incumbent of St. Michael's, Nunhead, is of yet greater significance, as it relates to dwellings recently erected, for the deficiencies of which no excuse whatever can be offered. Mr. Drew, however, appears to have mistaken the powers of the Board of Works, and to have confounded

them with those of the district board. The latter, from Mr. Drew's statement, appears to have neglected or been ignorant of its duty. He says:—

"The following description of houses lately built, and others now building, will answer for itself how far the Board of Works is doing what it professes to do. In this immediate neighbourhood there exists a certain nest of cottages, which bear the most unenviable notoriety on account of being the constant possessors of small-pox, scarlet fever, and other diseases; and to my certain knowledge there has been at least one death from cholera. A description of this nest I will endeavour to give. It consists of four parallel rows of cottages, with a fifth row running across one end of them. The other end is hemmed in by houses of a better class. In row No. 1 there are nine small cottages; these have yards at the back about thirty-five feet long. Row No. 2 (eight cottages) faces the same way as No. 1, and is approached by a narrow mud path. Row No. 3 (eleven cottages) is placed back to back with No. 2. and each has a garden or yard, of the enormous length of twelve feet, so that the backs of the houses in these two rows are twenty-four feet apart. Row No. 4 (eleven cottages) faces No. 3, a narrow court dividing them, while Row No. 5 commands from its upper windows a bird's-eye view of all the others. From one of these windows I looked out a few days ago, and the sight I saw was quite enough to account for any amount of preventible disease. Looking down the space dividing now No. 2 from No. 3, I saw the whole of the water supply for both of them. This was contained in open cisterns, placed immediately over the out-door closets, not, however, that the closets had any benefit from the proximity of the water, but rather because they supplied a convenient resting-place for the sole receptacle for water for all purposes, drinking included. The dimensions of these cisterns were about ten feet by four and one foot deep, and one cistern supplies two houses. Every one of these cisterns was uncovered, but the surface of the water in each was covered with a thick layer of green slime (similar to that seen in stagnant ponds). I am told that this cannot be prevented from accumulating so long as the cisterns remain uncovered. The sanitary arrangements of these cottages are simply disgraceful. They are, it is true, drained, but only into a huge cesspool in one of the gardens, while there is no lack of water, as regards quantity, only of cisterns to hold it; and to crown all, the main drain of the metropolitan system runs within fifty yards of these cottages, some twenty-seven feet beneath the roadway, and yet they are as guiltless of proper drainage as if they were in Honolulu or Kaffraria. You will think this rather a bad state of things already, and that these cottages are too much crowded together; but their owners are of another opinion. In describing row No. 1, I stated that the cottages in that row had gardens thirty-five feet long or thereabouts. This space is now being divided, and another row of cottages erected upon it. Let it be remembered that this could never take place without the consent of the Board of Works, and then let it be understood who is to blame in the matter.

The vestrymen say they can do nothing when the Board of Works has given its sanction to the erection of the cottages; that these being once passed by the surveyor of the Board, the landlords cannot be compelled to cover cisterns, lay on water to closets, or keep their property in habitable condition. I, for one, should like to know why the Board of Works ever sanctioned the erection of these cottages, and why its authorities are allowing others to be built within a few feet of them? I should like to draw their attention to the materials being used upon the new row of cottages. An inhabitant of row No. 2 pointed out to me a heap of stuff within six feet of his door, which stuff he informed me had been taken out of a cesspool. I asked what they were going to do with it, and the answer was 'make mortar of it.' Complaint was made of the stench arising from this stuff, and it was moved a little further off, but it is, I believe, still intended for mortar. Should you be able to give me a corner for this letter, I am sure the working men of this place will be deeply indebted to you, for I am writing in their interest, and making known grievances which they cannot themselves ventilate. The insertion of these particulars, which I could with ease multiply, cannot fail to point out the best cure for cholera—namely, a little energy on the part of the Board of Works in preventing the erection of fever nests and cholera traps such as abound in this place."

Yet more flagrant and startling instances are given by Dr. Fowler, in a letter to the *Times* of September 17th, which we quote at length because of its great importance:—

"Since my appointment as medical visitor about 300 houses have been inspected by my assistant and myself. These houses are tenanted by from one to ten or more families, and some of them are inhabited by nearly fifty people. My daily reports give abundant proofs of (*a*) overcrowding, and consequently filthy rooms; (*b*) filthy, defective, and inefficient privy accommodation; (*c*) foul, defective, and sometimes inefficient water supply; and (*d*) imperfect, defective, and inefficient cleansing of private and public ash-pits, and of public courts, alleys, and bye streets.

"While I candidly admit that since the third week in July much has been done in furtherance of sanitary improvement, I am compelled to announce that, at all events in Bishopsgate, much of this is more superficial than real. Courts, alleys, and houses have been lime-whited. Chloride of lime and carbolic acid have of late been our daily familiars. Nevertheless, in the ninth and tenth weeks of the present epidemic my daily inspections continue to reveal the innate horrors of cholera nests.

"Catherine-wheel Alley leads directly from the main thoroughfare into Petticoat Lane. Scarcely a day has passed without my forwarding a description of this foul place. Pass down it when you will, eyes and nose will be assailed with the sight and stink of scattered heaps of every disgusting species of organic filth. This condition evidently in part arises from the fact that Nos. 4, 5, 6, and 7, Cock Hill, have no dust-bin. The refuse caused by the twenty-eight persons

in these houses is daily thrown into this adjacent alley. At No. 23 in this said alley, on the 28th of July, occurred the first two (and fatal) cases of cholera among Bishopsgate residents. In eight small rooms reside twenty-nine people. The house has no dustbin. On the 15th and 17th of September the condition of its sole privy was most disgusting. It had no water supply. The pan was overflowingly full, the contents, indeed, covered seat and flooring both. These lethal matters were also scattered all over the otherwise sufficiently filthy yard, and even on the different floors of the rooms. The house was, indeed, a most fit palace for the goddess Cloacina. From the cellar of No. 21 the seventeen inhabitants of the house are daily regaled with the fumes arising from the cleaning and preparing of cowheels and tripe. On September 15, at No. 28, lived twenty-four people in six rooms, one of which, on the second floor, was apparently the sole bed-room for eleven human beings. The one privy of this house was in a similar state to the one above described. It had no water supply; neither was there, nor had there been for some time, a single drop of water for the other wants of these two dozen poor. Need I say that I have cases of diarrhœa in almost every house in this alley?

"A similar condition of things obtains in the adjoining cholera and diarrhœa nests—Windsor and Sandy Streets.

"On the 10th of September, at No. 10 in the former, resided nineteen people, and their one privy was unsupplied with water, and so on at No. 9 with its twenty-five tenants, Nos. 11, 13, 8, with its twenty tenants, and No. 2. The same votive offerings to Cloacina were here and there conspicuously present, especially in the privies and yards of Nos. 9 and 13. From these several houses the dust had not been removed for weeks. On the 17th of September these disgusting details were still unrectified. On the 4th of September, at No. 5, Sandy Street, there was only one filthy privy, out of repair, for the use of forty-seven people. On the 11th of September there was neither any water supply nor any privy at all for the accommodation of the fifteen inhabitants of No. 3, Montague Court. In the fifteen houses of this court lived 152 people, and most, if not all, of the privies, were unsupplied with water, were filthy, and were covered with human excreta. In two of these houses girls of fourteen and fifteen were ascertained to sleep in the same bed with their fathers.

"On September 13, at No. 1, Swan Yard, which is a large mews and depôt for carrier's carts, there resided over the several stables fifty-six people, besides the dogs and cats. The six families of twenty-eight people were allotted one waterless privy and one water-tank; to eight other families of twenty-four people were allotted one other privy and one water-tank. The whole yard was in a beastly state. Pools of liquid manure were running from the several dungheaps to amalgamate with a mass of filth in the centre of the yard. One of the dungheaps had not been emptied for three or four weeks, and adjoining thereto was a stinking public privy. The water-tank, which was said to supply only the horses, was uncovered,

and full of animalculæ and vegetable organisms. On September 17, a case of cholera was taken from one of these rooms to the temporary Cholera Hospital in New Street.

"Lamb Alley passes from alongside my house behind the right-hand side of Sun Street. Each day finds its gully-holes and gutters blocked up and reeking with semi-liquid, stinking filth. At No. 3 in this said alley lived, on September 10th, seventeen people, without any water supply or privy accommodation. In six of the houses in Blyth's Buildings (which form a hollow square opening into this alley) resided, on September 10th, seventy-eight people, for whose use there were only two filthy waterless privies. In Clement's Place, another blind offshoot from Lamb Alley, resided, on the same day, in eight small houses, nearly 100 people.

"At No. 6, one room 11 feet by 7½ feet, was the dormitory for three adults and five children. Most of the privies in this place had no water. Two cases of cholera, each fatal in less than twenty hours, were furnished last week from one of these tenements. On the 1st of September, at 65, Sun Street (fronting Lamb Alley), both diarrhœa and small pox were in the house, which literally stunk of sewer gas emanating from the one privy, which, with the uncovered and uncleansed water-butt and house refuse, was in the cellar and practically useless. It was in such a filthy, waterless state, with the old excrement welling up and filling the pan, that no one of the nineteen inhabitants had been able to avail themselves of it for some considerable time. On the 14th of September this house was in the same state. No attention to or alteration of these disgusting matters had been paid or effected.

"Such are some few instances of the present flagrant condition of affairs in my district.

"A retrospect of my earlier inspections would furnish numerous similar details. Day after day have I transmitted the result of my own and my assistant's inquiries to the deputed receiver of these reports. By section 6 of the aforesaid Order of Council it is the duty of the Board of Guardians to, without delay, cause a report of such facts to be made to the nuisances removal authority—*i.e.*, the Commissioners of City Sewers. Some half-dozen repetitions have I in as many weeks sent in of some of the above statements. My very first report was of the filthy and overcrowed condition of No. 140, Bishopsgate Street Without. Although I then stated that 'This house requires the constant supervision of an inspector of nuisances,' its state on the 15th inst. was in the main no better than it was six weeks ago when visited with cholera.

"Although west of the boundary line of the field of the East London Waterworks' mains, the sub-district of St. Botolph, East London district, has (as has been authoritatively stated) suffered severely from the present visitation. During the last week four deaths out of five admissions occurred in the temporary cholera hospital in New Street. There was, indeed, a sudden outburst of fatal cholera in Bishopsgate parish.

"The facts I have delineated perhaps explain this. At all events, they sufficiently show the palpable absurdity of drenching our streets with carbolic acid, and of even lime-whiting the interior of houses, while blots far deeper and more foul are left to poison the physical and moral humanity of our poor."

The medical profession throughout the country concur in the opinion that the local authorities generally need to be overlooked. Dr. Druitt suggests that their powers should be enlarged, but the opinion of his medical brethren is against him. "Is it not a fact," says a writer in the *British Medical Journal*, "that in many places the local authorities are the systematic and bitter opponents of sanitary reform? We are anxious to ascertain in how many instances the wise and beneficent intentions of the legislature are defeated by the passive resistance or dogged opposition of the local authorities, who will not avail themselves of the ample permissive powers which the law gives them; and whether the time has not come when, in the interest of the public, the discharge of duties which is now optional should not be made compulsory—whether in short there should not be some court of last resort, to which the enlightened few may appeal for speedy justice from the ignorance, prejudice or parsimony of the local authorities." The 49th section of the "Sanitary Act" endeavours to provide a remedy for the difficulty to which we have just adverted, and to establish a sort of court of speedy resort in cases of default on the part of local authorities. Should a sewer authority make default in providing its district with sufficient sewers, or in maintaining its sewers, or in supplying water, or should a nuisance authority "make default in enforcing the provisions of the Nuisance Removal Act, &c., complaint may be made to a Secretary of State, who, after due inquiry, may make an order limiting a time for the performance of its duty in the matter of such complaint." The inconvenience of these applications to, and inquiries by Secretaries of State, on subjects quite foreign to their usual duties, and for the due prosecution of which no proper machinery is ready, need hardly be pointed out. If such powers may be intrusted to *them* they may more safely, as well as efficiently, be conveyed to a body selected and endowed with a special organisation for the purpose. Moreover, if the provisions of the Acts are permissive merely, there can be, since the cases will be cases of discretion, no legal "default in enforcing those provisions" which is cognisable by a Secretary of State. The new Act, for instance, enacts that it shall be lawful for nuisance authorities to provide carriages for the conveyance of infected persons, and that the sewer authority may provide district hospitals; it cannot for a moment be supposed that these or any other merely suggestive provisions come within the scope of the 49th section to which we have alluded. The word "duty" implies something which has been enjoined, and not something which has only been suggested.

We may now shortly state who the authorities are. They are differently constituted in the City of London, in the metropolitan districts, in places under the Local Government Act, and in other

places throughout the country. In London the commissioners of sewers are the local authority for carrying out sanitary measures under the City Sewers Act. In the rest of the metropolis, the vestries of the parishes or the district boards formed under the Metropolis Management Acts, are the local authorities. In places under the Public Health and Local Government Acts, the Board of Health for the place, that is, in corporate towns the council, and in other places the town improvement commissioners or an elective board is the local authority. It ought to be observed that the Nuisances Removal Acts operate collaterally or cumulatively with the Metropolis Management and other Local Government Acts, and that there may be found instances of two different enactments applicable to the same cases, with differing penalties for the same offences. Elsewhere, under the Nuisances Removal Acts, the local authority consists of the mayor, aldermen, and burgesses by the council, where a council exists: where there are trustees or commissioners under an Improvement Act, such trustees or commissioners; where none of these, the board of guardians of the poor; and if no such board, the overseers of the poor for the place or parish.

We have thus particularly described the local authorities because of their variety, and we shall hereafter have occasion to mark, that various as they are, they have not had entrusted to them all the details of sanitary administration; a fact from which, as may readily be supposed, no little complication arises.

Properly speaking, however, and generally the real local authority before and we suppose since the recent Act, has been a sanitary committee appointed by the various bodies for the purpose of enforcing the "Nuisances Removal," the "Diseases Prevention," and now the "Sanitary" Acts. The sanitary provisions of other Acts do not ordinarily come within the scope of this committee's powers, and cases under them are referred to the vestry, "which," says Dr. Druitt, "is sure to be a larger, more divided, and less manageable body than the smaller committee which constitutes the usual local authority."

When we come to examine the machinery by which these bodies are to perform their duties, we light upon a curious anomaly. In the metropolis, the local authority *is obliged* to appoint medical officers of health and inspectors of nuisances, but under the Public Health and Local Government Acts the appointment of a medical officer is optional, that of an inspector necessary, while in all other places, with but few exceptions, there is no obligation on the local authority to employ either.

This anomaly is the result of retrograde legislation. Under the Nuisances Removal Act of 1855, the local authority was bound to employ or join with other local authorities in employing a sanitary inspector or inspectors. The Amendment Act of 1860 repealed this provision, and substituted a permission to the guardians of any union or parish not within an union to employ one of their medical officers to report upon the sanitary state of the union or parish. How this

permission has been accepted and taken advantage of by the authorities, we may judge from the important statistics collected by the energy of Dr. Stewart. From these we can form an idea of the nature of that supervision under which a large number of towns existed at a time when the kingdom was exposed to an outbreak of cholera. From these it is not too wide an inference to draw, that two-thirds of England is practically destitute of sanitary control. The importance of this point was earnestly brought to the attention of the government when the Public Health Bill was in committee, but it received no solution at their hands.

We hardly think it necessary to urge, with any lengthened argument, that the power to appoint medical officers, analysts, and inspectors of nuisances ought to be exercised throughout the kingdom. Where the appointment of any of these has been compulsory, as in the metropolis, the valuable services they have rendered the public by bringing scientific knowledge and practical experience to bear upon the multitudinous nuisances of collected population cannot be estimated. Private persons will endure a great deal before they will engage in anything involving expense. To look after these people when they are themselves in fault, or to lend a ready ear to their complaints when they are aggrieved by others, to scent out nuisances and abolish them, is the business of officers and inspectors, and no corner of the country should be unknown to their supervision.

But we have seen that even where these officers have been appointed, they may yet have to contend against the ignorance and stupidity of local authorities. The renowned instance of St. Pancras proves that vestries and boards, composed of tradesmen, or licensed victuallers, or small householders and the like, are not open to the warnings and suggestions of capable officers. The value of a proposition is by them likely to be estimated in the inverse ratio of the demand it involves upon the rates. Under these circumstances, it is essential that the officer should be independent of the local authority. There is less danger in his independence, because he only suggests and reports; but if his appointment is at the will of the local authority, he may be simply their creature, or if not their creature, may suffer from the displeasure with which they view his sanitary activity. The appointment and removal of every local inspector and medical officer should therefore be subject to the approval of a central authority, which is itself responsible to Parliament.

The oversight of the medical officers is, however, but a slight part of that sanitary system, at the head of which we desire to place a ministry or board of health. There is the more extended and important oversight of localities and local authorities. The complaint now is, that unless the statutes specifically ordain that certain things shall be done, the authorities will not do them. Very often the statutes give an uncertain sound, and persons who wish to have a judicial exposition of them must resort to the expensive machinery of the law. The law, in too many cases guided more by the letter than the spirit, refuses to enlarge the meaning of Acts which involve personal

rights, and presents the man who appeals against the sanitary inactivity of a board or vestry with a logical reason for the perpetuity of a nuisance. Two things, therefore, require to be done. ***The provisions of the statutes should be enacted plainly and imperatively, and the central authority should employ national inspectors to watch the sanitary condition of the kingdom, to suggest improvements, to report and investigate complaints.***

A few instances will prove the first necessity. The want of plainness in the wording of the Acts often leads to serious perplexity. The metropolitan officers give an example in their "Suggestions." "Section 8 and section 27 of the Nuisances Removal Act (1855) have practically been found to clash. If, in a case of nuisance, *e.g.* offensive odours, arising from a trade accumulation, substances used in a business, &c., a summons be taken out under section 27, it is pleaded that the summons should have been taken out under section 8. On taking one out under section 8, an order is objected to, on the ground that the means adopted are sufficient for the protection of public health, or that the deposit was not kept longer than the defendant required it for the purposes of his business. The latter excuse can never be got over. As to the former, it has to be proved that what causes offensive odour also damages health, and in many cases of offensive accumulations this cannot be maintained in the present state of our knowledge. Again, if an order should by any chance be obtainable, and the accumulation be removed, the offensive matters may be immediately replaced, and being newly deposited, must remain again, so long as the manufacturer has need for them in his business." Again, under section 21 of the Nuisances Removal Act 1855, where ditches are foul or offensive, there is *a discretion* left in the surveyor as to cleansing them.

Under section 22, "Whenever any ditch, &c., used, or partly used, for the conveyance of any water, filth, sewage, or other matter from any house, &c., is a nuisance within the meaning of the Act, and cannot, *in the opinion of the local authority*, be rendered innocuous, without the laying down of a sewer, or some other structure, &c., they shall, and are thereby required", to make and keep it in repair. But by the words italicised, absolute discretion is left to the authorities, for no court would inquire into the reasonableness of the "opinion of the local authority," although the succeeding words are strongly imperative. In none of these instances has the new Act afforded any relief. The manufacturers may still baffle the local authorities by their difficult dilemma, the surveyor and local authorities retain their discretion. It is true, that the 20th section of the Act enacts that "it shall be the duty of the nuisance authority to make, from time to time, either by itself, or its officers, inspection of the district, with a view to ascertain what nuisances exist, calling for abatement under the powers of the Nuisance Removal Acts, and *to enforce the provisions of the said Acts*, in order to cause the abatement thereof." But we have shown "the provisions of the said Acts" to be inadequate, making it optional with the surveyor to clean, and

with the local authority to do structural works, and as it is those provisions which are to be enforced, the new enactment would not, in these instances at least, produce any legal difference.

Let us take another case. The 16th section of the Nuisances Removal Act enacts that when "it shall appear to the justices that the execution of structural works is required for the abatement of a nuisance they may direct such works to be carried out." A case in which the abatement of a nuisance depended upon structural works would be one of strong necessity, yet the Court of Queen's Bench has decided that such an enactment is only permissive, and the justices cannot be compelled by mandamus to direct the works to be done.*

The "Sanitary Act, 1866," is in many of its new and most important particulars permissive. We cannot doubt the intentions of the government in urging its adoption upon Parliament with some earnestness. The threatened invasion of cholera enabled them to exercise a pressure which was judicious, if the Act be considered as a merely temporary enactment, but not so if it should be permanent. It was felt and said at the time of its passage by members of the government that further consolidation and revision were required. We have endeavoured to show what direction any new legislation should take. To a sanitary reformer there is no greater bugbear than a permissive enactment. A suggestion which involves expense to persons interested in that expense is sure, in nine cases out of ten, to be unheeded. We have not far to search in the late Act for such suggestions. The 10th section provides that, "If a dwelling-house within the district of a sewer authority is without a drain, or without such drain as is sufficient for effectual drainage," two cases of vital importance, the sewer authority *may* require the owner to make a drain emptying into one of their sewers; or if no such means of drainage are within a specified distance, then emptying into such covered cesspool or other place, not being under any house, as the sewer authority directs, &c." We have been unable to discover a reason why this should not have been mandatory. If no sewer runs within a practicable distance of a house, the only alternative must be to make a proper cesspool. Why should not the nuisance authority be compelled to see that the house is made habitable by one or the other method? So, as we have already seen, the provision of means of disinfection, of sick carriages, of places for the reception of dead bodies, of sick hospitals, is left to the option of the authorities. Let any one look over the list, prepared by Dr. Stewart, of the appointment of medical officers, and judge whether it is probable that these latter suggestions will be received and acted upon.

The appointment of national inspectors to act under the central authority, seems necessarily to follow from the existence of that authority. Wide as its powers might be, its presence and observation

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* *In re* The Local Board of Health of the parish of Ham, 7 E. & B. 280: 26 L. J. M. C. 43.

could not be everywhere. It would need agents, like those able men who have been employed with such great success by the Privy Council on many occasions—to examine into and report upon complaints (which, under certain restrictions, ought to be easily and inexpensively received)—to suggest and overlook improvements—to investigate causes of disease—whose duty, in fact, it should be to watch the sanitary condition of the whole kingdom. These inspectors, uninfluenced by local prejudices, would be able to return impartial reports upon the action of local authorities and the needs of places. Through them, when there was a conflict of interests, the committee could justly balance the obligations of those interests. This machinery would be simple and comparatively uncostly, and the courts would be relieved of a great burden.

We have now approached in contemplation something like a system. A central authority, with a staff of officers, overseeing and directing local authorities with their officers. But supposing this to be constituted, there would still remain to be remedied the deficiencies and inefficiencies of the laws which this organisation was to put in execution. Some of these we have designated, others we are obliged for the present to avoid. Many have been ably pointed out by Mr. Rumsey in the *Journal of Social Science* for October, 1866. The exclusion of clergymen from participation in sanitary management, the intrusion into sanitary boards of members of water and gas companies, whose interests are naturally opposed to those of the ratepayers, are matters that require redress. More important is the question, whether the supply of water and gas by private companies should not be forbidden, and the consumers be also the makers. This question should be discussed by itself, and perhaps at no distant day we may have it properly treated by some competent member of this Association. But one obvious deficiency we think it needful to mention. All sanitary matters should come within the management of one authority. In administration of laws human, unlike laws divine, "diversities of operations" are obstructive. The common lodging houses Acts are not carried out by the local authority, but by police magistrates and justices. The local authority for the appointment of analysts out of the metropolis, is the court of quarter sessions of every county, and the town council of every borough having a separate jurisdiction.

Such appear to us to be the main faults and needed improvements in our public health laws. With compulsory enactments, and an efficient ministry or board of health, we might see some prospect of the sanitary regeneration of the country. Two things, let us again urge, concur to enforce upon us the necessity of the proposed supervision, namely, the indifference of private persons to sanitary precautions, and the inefficiency of the bodies whose duty it is to watch the public health. The former of these causes will exhibit itself even in cases where only a little personal attention is needed in the pursuit of relief; while that uncertain and expensive machinery of the law, whether in inferior or superior courts, to which we have alluded, and

from which all men naturally shrink, is not always ductile. Its motions are subject to fixed rules; its instructions are settled and precise, leaving no discretion; it is constrained by the inflexibility of words, and drilled into the regiments of logic. The judge dare not ignore the language in extracting the spirit; he dare not stretch his power beyond the dimensions of his office, which is to declare, and not to make the law. Often, therefore, when the whole moral force of an enactment, and of judicial conviction, and of popular opinion, is against some act or thing, that act or thing may exist and be done in spite of all, because it is impossible for the most keen-eyed legislator to forecast every contingency in a world of perpetually-varying combinations, and to prescribe in distinct terms the remedies or penalties for every evil that might naturally be included within the sphere of a law. In most cases that come within the province of legislation it is not of so much consequence that the law should be summary as that it should be sure. The march of criminal justice, and the settlement of civil rights, acquire both certainty and dignity from the deliberation of their process. But there are cases where the benefit of the body social demands a flexible jurisdiction and a summary proceeding—demands even a little temporary or individual injustice for the lasting good of a great number. Some such jurisdiction and process might, perhaps, with great industry and much parliamentary wrangling, be devised for the sanitary security of the kingdom. It might be possible to construct a series of regulations so numerous and so minute that but few and rare instances of ineffectual powers or remedies could occur. Yet there would still stand and face us the two cardinal difficulties—INDIFFERENCE and EXPENSE. The very minuteness and delicacy of our instrument would make men shrink from using it—would be likely to bring about the complication which increases costs. The very summariness which is proved to be essential to the practicability of a sanitary system, would make the judges cautious in their interpretation, the justices hesitating in their orders. To define, therefore, peremptorily the most obvious and important duties of the local authorities,—to give them a fair opportunity of voluntarily pursuing them,—to place over them a body whose office it shall be, not to regulate their actions, but to redress their errors and omissions, and to prosecute at the public, and not at individual expense, those who disobey sanitary enactments,—to give this body a wide discretion with reference to the thousand matters and things relating to public health which legislation cannot provide against,—are the propositions which we now press upon Parliament as the result of our inquiry and argument. The imperfection of the present laws in themselves, and the inadequacy of their practical enforcement, will, during the meeting of this Congress, be sufficiently evidenced. It is needless to appeal to sentiments of fear, of self-preservation. It cannot now be required to be shown that the best preventive of epidemic disorders is constant sanitary vigilance, or even that the truest economy is that which, by a moderate expenditure, reduces the probabilities of disease to a

minimum, not that which neglects until the fatal hour the measures of precaution, and wastes a lavish sum upon means of cure. We cannot touch upon the relations of this subject to the moral improvement of the people. Wretched houses make wretched homes; and while immoral or slatternly habits convert fine dwellings into styes, it is almost as true that dirty and unhealthy habitations transfer a taint to the character and habits of the persons who occupy them. The depressing influences of filth and disease write their evidences on men's manners as well as on their skins; and if the body social and politic is to be sound, the body physical must be healthy too.

On the Results of Permissive Sanitary Legislation; or, the Medical Aspects of the Laws relating to the Public Health. *By* ALEXANDER P. STEWART, M.D., F.R.C.P., London.

THERE are special seasons in our history—whether personal, national, or social—which invite us to pause, and look backward as well as forward; to reckon up the gains and losses, the wise and the false moves of the past; and, by the light of experience, both past and present, to forecast and lay plans for the future. Such a season in our sanitary history is the present. The Lord President of the Council stated to a deputation that waited upon him in the month of July, for the purpose of urging, among other things, the consolidation of our sanitary laws, that the late government thought it better, after mature deliberation, to defer the work of consolidation till next session, when it would probably occupy the attention of Parliament. The consolidation of a number of statutes is very much like the stereotyping of a book, giving permanence and the stamp of authority to all uncorrected errors, which often pass from mouth to mouth as accepted and recognised truths, till some voice from the grave, in the shape of a posthumous diary or correspondence, proclaims their falsehood to another generation of readers. My object, therefore, in this paper is to inquire briefly what have been the substantial results of our sanitary legislation, what great principles have been embodied in it, and accepted, at least in theory, by the community at large; and what, looking forward to the consolidation of our health laws, are the mistakes to be corrected, and the objects to be not only desired but striven for by all who take an interest in the health of the people. It is not that I have much that is new to say on a nearly threadbare subject, or that I can hope, in my mode of saying it, to emulate my betters, who have spoken and written so well upon the public health from time to time during the last twenty years. But I have thought it possible that a new voice speaking on an old and hackneyed topic might arrest some whom the familiar accents of

old acquaintances had failed to impress, and stir to action; and encourage the veteran labourers in this good cause by the assurance that there are others who not only wish them "God speed," but are anxious to lend them a helping hand. And with the view of eliciting a thorough discussion of this vital question, my friend Mr. Edward Jenkins and I have arranged that I should present the medical, and he the legal, aspects of our sanitary laws.

The laws of health, and the disastrous results of disregarding or transgressing them, though comparatively new to the public, have long been a subject of deep interest to the profession to which I have the honour to belong. Here is a striking and instructive passage, published rather more than a hundred years ago by a great master in the art of healing:—"From this view of the causes of malignant fevers and fluxes, it is easy to conceive how incident they must be, not only to all marshy countries after hot seasons, but to all populous cities, low and ill-aired, unprovided with common sewers, or where the streets are narrow and foul, or the houses dirty; where fresh water is scarce; where jails and hospitals are crowded and not ventilated, or kept clean; where, in sickly times, the burials are within the walls, and the bodies not laid deep; where slaughter-houses are likewise within the walls, or where dead animals and offal are left to rot in the kennels or on dunghills; where drains are not provided to carry off any large body of stagnating or corrupted water in the neighbourhood; where flesh meats make the greatest part of the diet, without a proper mixture of bread, greens, wine, or other fermented liquors; where the grain is old and mouldy, or has been damaged by a wet season, or where the fibres are relaxed by immoderate warm bathing. I say, in proportion to the number of these or the like causes concurring, a city will be more or less subject to pestilential diseases, or to receive the leaven of a true plague when brought into it by merchandise,"*—a passage which exhibits well the noblest aspect of medicine, making earnest, though often thankless and unheeded efforts for the prevention of disease.

Seventy years passed away, and a visitation of pestilence came, before the principles thus clearly and decisively set forth by Sir John Pringle in the middle of last century began to awaken the attention of the public. And such was the effect of the epidemic of 1832 that, though the spasmodic and almost frantic efforts made by the panic-stricken populations ceased with the departure of the unwelcome visitant, the impression made on not a few thoughtful minds by the sickening glimpses they had had of "the lowest deep" of British society could not be effaced, and prompted them to enter upon a life-long career of active beneficence that has already conferred lasting benefits upon the entire community. In some places, as in Exeter, the history of which during the visitation of the cholera has been graphically and impressively written by Dr. Shapter, the immediate result was a great improvement in the sanitary arrange-

* Pringle's "Observations on the Diseases of the Army," 6th edition. London, 1768; p. 324.

ments of the city, especially as regards water supply. It was then that the era of sanitary legislation commenced, thus affording a striking illustration of the truth of Hecker's remark, "that great epidemics are epochs of development, wherein the mental energies of mankind are exerted in every direction." We have reason to* be thankful that during the last thirty years there has been a large and steady increase in the numbers of our sanitary reformers. Few in comparison with the great mass of the nation, but still in themselves a host, there are scattered over the face of the counties, and congregated in considerable numbers in our large cities, men of broad and enlightened views, who thoroughly comprehend the close and reciprocal relations that subsist between dirt, disease, drunkenness, pauperism, and crime, and who have long done their utmost to promote the adoption in their respective neighbourhoods of right sanitary opinions and effective sanitary measures. And the result is seen in the great and growing attention accorded by the legislature to all questions bearing upon the public health.

Parliament has not neglected its duty in this matter. While I concur in the feeling now becoming very wide-spread, that the tone of our sanitary legislation has of late years been rather timid and apologetic, I maintain that Parliament has been, till lately, far in advance of the national sentiment on matters relating to the public health. Let us glance at what has been done since 1832. Beginning in the following year, with the case of the factory children, as if to intimate that the Imperial Parliament would succour and relieve the oppressed at home as well as in the West India colonies, they prohibited, in 1834, the cruel and murderous practice of employing climbing boys for sweeping chimneys; in 1840 and 1841 they passed the Act to extend the practice of vaccination; and in 1842 they declared illegal the employment of women and children in mines and collieries, the horrors connected with which inhuman system were exhibited by the noble author of the measure† in terms of indignant eloquence which awoke a responsive echo in every corner of the realm. About this time appeared that remarkable series of volumes‡ on the sanitary condition of the labouring classes, for which we were indebted chiefly to Mr. Chadwick, and which, revealing as they did an almost incredible state of matters in our crowded centres of population, were read by multitudes with a strange and eager interest, and formed the basis of our subsequent legislative enactments. The first attempts to obtain the assent of the legislature to the recommendations of the Health of Towns Commissioners, were the Town and House Drainage Bills of Lords Lincoln and Normanby, and the Health of Towns Bill introduced by Lord Morpeth, in 1845. These attempts, though unsuccessful, contributed, not less by the

* Hecker's "Epidemics of the Middle Ages;" Sydenham Society's Translation, p. 177.

†Lord Ashley.

‡ "General Local Reports on The Sanitary Condition of the Labouring Population of Great Britain," July, 1842.

opposition than by the attention and sympathy which they awakened, to the success of similar measures in after years.

Then followed, in rapid succession, the Acts for Promoting the Establishment of Baths and Washhouses, both in Great Britain and Ireland, in 1846; the Towns' Improvement Act in 1847; the Public Health, the Nuisances' Removal, and the City of London Sewers'* Acts in 1848; the Metropolitan Interments Act in 1850, followed in 1853 by a similar Act for the whole of England,† the Act to Encourage the Establishment of Lodging Houses for the Labouring Classes,‡ and the Common Lodging Houses' Act in 1851; the Metropolitan Water Act in 1852; the Smoke Nuisance Abatement (Metropolis) Act, and the Act to Extend and make Compulsory the Practice of Vaccination, in 1853; the Merchant Shipping Act, with its stringent provisions for the preservation of the health of our merchant seamen, in 1854; the Diseases Prevention, the Metropolis Local Management, the Metropolitan Buildings, and the Nuisances' Removal Amendment Acts, in 1855; and the Public Health Act, 1858. which abolished the General Board of Health, and vested its powers in the Privy Council. Since then there have been added to the statute book the Acts for the purification of the Thames in 1858 and 1866; the Nuisances' Removal Amendment Act in 1860; the Act for preventing the Adulteration of Articles of Food and Drink in the same year; the Acts (passed in 1860, 1861, and 1864) which included under the provisions of the Factory Acts women and children employed in bleaching and dyeing works, in lace factories, and in the manufacture of earthenware, of lucifer matches, of percussion caps and cartridges, of paper staining and of fustian-cutting;§ the Vaccination Amendment Act in 1861; the Act for the Seizure of Diseased and Unwholesome Meat, and the Alkali Works Act, in 1863; the Sewage Utilization Act in 1865; the Labouring Classes' Dwelling Houses Act, and the Sanitary Act, in 1866.

Let us attempt to condense into a few sentences the great principles embodied in this vast mass of legislation. They are as follows:—That the employment of women and children in laborious occupations for which they are physically unfit, is physiologically as well as politically and morally wrong; that the sanitary state of our large towns, and the condition, physical as well as moral, of our labouring population, are matters of imperial interest, which we cannot with impunity neglect; that various diseases, which prevail among us, either epidemically or endemically, and are attended with a high

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* In section 91 of this Act is the only definition of a common lodging-house, which existed for many years. The common lodging-house Acts contain none!

† Between 1850 and 1861, not fewer than *eight* Burial Acts passed through Parliament.

‡ Very little use has been made of this admirable measure.

§ See "Extension of the Factory Acts." By H. S. Tremenheere. *Transactions* 1865: pp. 291-294.

mortality, depend wholly or in part on neglect of the laws of health and disregard of the common decencies of life, and are in great measure preventable by a few simple precautionary measures; that a sufficient supply of pure air and water is essential to health, and therefore, that the overcrowding of workshops, dwellings, and schools, the contamination of the air by smoke or other irritating foreign particles, by noxious gases, the product of organic decomposition, and by chemical fumes and the pollution of water by sewage and other refuse should, as fruitful sources of disease, be prevented; that the establishment of baths and washhouses, and the erection of suitable dwellings for the labouring classes should be encouraged; that efficient drainage should everywhere be promoted, but that the conversion of streams and rivers into common sewers is a monstrous perversion of the gifts of Providence and a great public wrong; that the practices of conveying persons smitten with contagious or infectious disorders in hackney carriages, and of retaining the decomposing remains of the dead in the crowded abodes of the living, are full of peril, and therefore to be discouraged; that with the view of discovering and removing such evils as affect directly or indirectly the health of the community, medical officers of health and inspectors of nuisances are needed, the latter not to wink at the continuance of nuisances, but to ferret them out and drag them to the daylight, the former to report from time to time the results of inspection and inquiry to the proper authorities, with such suggestions as may seem to him best fitted to remedy existing abuses; that it is the duty of local authorities to take cognizance of and remove all nuisances and impediments to the public health, and to promote such measures as may be conducive thereto; that, in the event of the local authority declining to act, any inhabitant of any parish or place may complain to a magistrate, who shall proceed as if he were the local authority, with a view to the abatement of the nuisance complained of; and finally, that, in the event of a local authority making default in providing its district with sufficient sewers or water supply, complaint may be made to a Secretary of State, who shall inquire and proceed in the matter as he may see fit; in other words, that every facility shall be given to the inhabitants for compelling the local authority to perform its duty. Let us note in addition, that since 1858, we have had in the Privy Council a Public Health Department, which presents us annually with a volume full of interesting and important material, and exercises a summary jurisdiction in times of epidemic visitation.

When I have said that for the authoritative recognition and sanction of all these principles, so pregnant with potential benefits, we are indebted to the legislature, I have surely said enough to defend it from those, and they are many, who would lay upon its shoulders the chief blame of our sanitary deficiencies. It is a matter of great moment to have the stamp of legislative approval affixed to the great principles and doctrines for which sanitary reformers have long contended; and if the country had taken the thirty or forty times repeated hints offered them by Parliament, how very different would

our sanitary condition have been at this good hour! But when I have said this, I have said all that is due to the Parliaments and Governments of the last thirty-five years. Somehow or other we are apt to look to our law-givers not for hints, but for laws. If the principles recognized and sanctioned by them are thoroughly sound, we have a right to expect that, if not at first, they will sooner or later carry them out to their logical consequences—*i. e.*, enforce them. Of all the Acts I have recited, five only, so far as I know, can boast of a complete or fair measure of success. The Factory Acts are, I believe, thoroughly effective; women and children are no longer employed in mines and collieries; intramural burials are a thing of the past; the Metropolis Water Act has doubtless saved a multitude of lives; and the sanitary organization of the Metropolis approaches more nearly to the ideal of sanitary reformers, than that of any other large town in the kingdom. In all of these cases the legislature has not only had the courage to say "you shall," instead of "you may," but has made obedience to its injunctions a necessity. On the other hand, the Chimney Sweepers' Acts, * the Smoke Nuisance Acts, the Vaccination Acts, and the Merchant-shipping Act, as regards the prevention of scurvy, † though penal in their provisions, are all more or less failures for want of being duly enforced; and, as we all know, the Sanitary Acts proper are in great measure a failure. Why? Simply because they are suggestions rather than laws. So much is this the case, that, as Mr. Rumsey points out in a very able paper published in this months' (October, 1866) *Journal of Social Science*, the Local Government Act has been adopted by many small places, with the express intention of evading the Highway Acts, and without any intention of carrying out the other. And Mr. Simon, in his Eighth Report, lately published, § narrates the case of several parishes in the Malling Union, which were infested with typhus and diphtheria, and threatened with cholera, were drinking polluted water and overspread with all sorts of nuisances, but could not obtain the improvements which they earnestly desired on account of the dogged obstructiveness of the Board of Guardians, who successfully bearded the Health Department of the Privy Council, Sir George Grey, and the law-officers of the Crown, declaring that "they did not consider the 5th Section of 23 & 24 Vict., c. 77, to be imperative, and they therefore declined to appoint a committee under it." So much for permissive legislation! Let us glance at some of its other developments.

The basis of all effective local operations in health matters must be full, accurate, and trustworthy information. This may be procured in various ways, and from various sources. It may be sought for and

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* *Transactions*, 1864, p. 591.

† "On the Health of Merchant Seamen." By J. O. McWilliam, M.D., *Transactions*, 1861, p. 509; also *Transactions*, 1862, p. 544; and "Report of the Liverpool Committee on the 'Health of Merchant Seamen.'" By Rev. S. A. Steinthal, p. 555.

§ Eighth Report of the Medical Officer of the Privy Council, pp. 23-25.

made known by local authorities, by local associations, or by public spirited individuals, or failing any or all of these, by the Health Department of the Privy Council. Throughout our sanitary laws—which we cannot yet properly call a system or code—three things are tacitly assumed, viz., 1. That to the local authority (the meaning of which very complex term has been explained by Mr. Jenkins,) belongs the duty of caring for the health of its constituents. 2. That the local authority will neglect that duty, and 3. That the local authority must not be expressly enjoined to do its duty. Of these three postulates, it is hard to say which is the more essential to the right understanding of our subject. One thing is very clear, that Parliament, which at first prescribed no remedy for the obstructiveness of local authorities, has of late years found it necessary, in each successive Act, to arm the individual householder or inhabitant with more extensive powers, till, in the Sanitary Act of 1866, it is provided that a single complainant may call a recusant corporation to account for its default before one of Her Majesty's principal Secretaries of State. In this way, and also by empowering the Privy Council * to institute sanitary inquiries and report the results thereof annually to Parliament, the legislature, with a becoming jealousy of anything like undue interference with local self-government, has long been endeavouring to create a public opinion in favour of sanitary reform, and so to direct it as to overcome the sluggishness and prejudice of niggardly and self-complacent "bumbledom" both in town and country. Some places, as, for instance, Liverpool and Leicester, have for many years enjoyed the services of able, energetic, and judicious medical officers of health; and other towns—such as Birkenhead, Bristol, Doncaster, Dundee, Edinburgh, Glasgow and Leeds—have more recently recognized the necessity of appointing such officers, with active and intelligent sanitary detectives under them, and have shown themselves ready to lend a hearty support to their officials in the discharge of their disagreeable and arduous duties. But if they be otherwise minded—and we shall presently see how often they are so—the law, beyond the limits of the Metropolis, while suggesting the propriety of appointing, acquiesces in the non-appointment of medical officers of health; and since 1860, the injunction of the Nuisances' Removal Act, 1855, to appoint inspectors of nuisances, has actually been withdrawn!

Before inquiring what has been done by public bodies, let me mention a few of the contributions which individual or private effort has made to our sanitary knowledge. Before 1849, the late Dr. Snow was conspicuous for his advocacy of the opinion that cholera is propagated by the use of pump-water, which in large towns is usually contaminated by surface drainage. The eager pertinacity with which he urged his views, in season and out of season, was amusing to some and irksome to many. But after the memorable and very fatal out-

* Public Health (Privy Council) Act, 1858, secs. 5 and 6.

break of the disease in Albion Terrace, Wandsworth*—a genteel row of detached houses occupied by professional men and tradespeople—his reasonings found more patient and respectful listeners. Not that the evidence in favour of his theory was perfectly conclusive—for, though the spring which supplied these houses with water was polluted by the bursting of the drain common to all of them, another hypothesis referred the outbreak to the removal, from the house where the first death occurred, of a heap of horribly offensive rubbish which had been slowly accumulating for two years. But though the probabilities, as between air and water, were thus pretty evenly balanced, the idea that Dr. Snow's views might possibly be true was firmly fixed in the public mind, and many who, like myself, could not admit their being proved, were tacitly of opinion that they were highly probable. That there was some connexion, more or less intimate, between the water supply of towns and the spread of cholera, was further forced on the minds of many by Dr. Shapter's statements regarding Exeter in 1832, then one of the cities worst supplied with water and most severely visited, and the same city in 1849, when its water-supply was admirable, and it was almost exempt from the disease. The same immunity was observed in various towns, *e. g.* Bath, Birmingham, Cheltenham, and Leicester, which "were supplied with water quite uncontaminated with the contents of sewers." These and other circumstances combined to give weight to Dr. Snow's conclusion, that "the sanitary measure most required in the Metropolis is a supply of water for the South and East districts of it, from some source quite removed from the sewers."

The results of his laborious investigations into the connexion between the water-supply and the death-rate from cholera in the various districts of London, were made public in November and December 1851.† It appeared that the cholera was very much more severe on the south side of the Thames than on the north. The water of the Chelsea Company, though taken from the Thames at Chelsea, where it was very foul, was much purer, than that of the Lambeth, Vauxhall and Southwark Companies, because, having till a short time previously had "to supply the Court and a great part of the nobility, they had large and expensive filters, and also very capacious settling reservoirs, in which the water is kept for a considerable time before its distribution;" whereas the other companies filtered the water supplied by them very imperfectly through coarse gravel, and allowed no time for subsidence. The mortality in those districts supplied by the Chelsea Company, though great, was considerably less than in those supplied by the other companies. The General Board of Health, in their report presented to Parliament in 1850, select, "out of great numbers" from all parts of the kingdom, the outbreak of diarrhœa in Hackney, and of cholera in Windmill Square, Shoreditch; in

* *Medical Gazette*, new Series, Vol. ix.; 1849. pp. 468 to 504; also, Snow on Cholera, 2nd edition; 1855, pp. 25-30.

† "Report on the Epidemic Cholera in 1848 and 1849," pp. 59-62.

Rotherhithe; in Horsleydown; in Waterloo Road, Lambeth; and in Hope Street, Salford, as "proving the influence of the use of impure water in predisposing to the disease."

The subject was at length brought before Parliament, and a law enacted, as we have seen, in 1852, compelling the water companies to make arrangements for conveying the water from above Teddington dock. Already in 1853 the death-rate from cholera in the district supplied by the Lambeth Company, which alone had completed its works and brought its supply from Thames Ditton, was little more than one-half the Southwark and Vauxhall death-rate. The house to house inquiry undertaken by Dr. Snow in the Lambeth, Vauxhall, and Southwark districts in the autumn of 1854,* brought to light the startling fact, that out of a total of 1,510 deaths, 1,224 occurred in houses supplied by the Southwark and Vauxhall, and only 93 in those supplied by the Lambeth Company. In other words, "while a death from cholera had occurred in one house in every 28 supplied by the Southwark and Vauxhall Company, a fatal attack of cholera had occurred in only one out of 251 houses supplied by the Lambeth Company," showing a mortality "just nine times as great in the houses supplied by the former company as in those supplied by the latter." And now it was found that the death-rate in the Chelsea district, which had previously presented so favourable a contrast to that of the southern districts, was very large when compared with the Lambeth rate. In short, it was very clear that the extraordinary diminution of the mortality in a district abounding in unwholesome influences, and hemmed in on every side by districts ravaged by cholera, from which it had itself suffered frightfully in 1849, had more than a casual connection with the pure water supplied by the Lambeth alone of all the water companies. Even more striking was the immunity enjoyed by single tenements supplied by this company, while all around the pestilence was busy and terribly fatal. The evidence collected in the same year (1854) by this indefatigable inquirer as to the origin of the frightful outbreak in the Golden Square district in the month of September, was such as to compel the assent of the most incredulous to the proposition that it was mainly attributable to the contamination of the water of the Broad Street pump-well, the favourite source of supply in that neighbourhood. What was then matter of doubt, or wonder, or disgust to multitudes, now forms an almost unchallenged article in our sanitary creed, of which the Metropolis Water Act was one of the earliest expressions, as the yearly growing interest in the question of water supply for our great towns is its natural and gratifying result.

But while thankfully acknowledging our obligations to Dr. Snow, who spent much time, and strength, and substance, in conducting this great inquiry, I cannot admit that cholera spreads only by being swallowed. That the gaseous emanations from unremoved cholera

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* *Medical Times and Gazette*, new series, vol. ix., pp. 365-6, 1854.

discharges in privies, mines, etc., are a very frequent cause of the extension of the disease, seems to me established beyond dispute by the facts stated in a series of letters * from the pen of that accomplished and sagacious physician, Dr. W. Budd, of Bristol, who has established as strong a case for prompt measures of isolation and disinfection as has Dr. Snow for an abundant supply of pure water. This is not the fitting place for discussing the question whether water contaminated by ordinary sewage may, under varying conditions which we cannot as yet accurately define, produce only slight indigestion, or a diarrhœa more or less severe, or a destructive outbreak of dysentery, typhoid fever, or Asiatic cholera. I merely remark that, even in the case of the Broad Street pump water, there was, as Dr. Snow admits,† no evidence to prove the presence of choleraic matter, though the presence of organic impurities was abundantly evident. "Mr. Eley . . . had long noticed that the water became offensive both to smell and taste, after it had been kept about two days. . . . Another person had noticed for months that a film formed on the surface of the water, when it had been kept a few hours."

As, however, I have been led, in illustrating the results of individual effort, to consider the morbific influence of water contaminated by sewage, I cannot dismiss the subject without citing some striking facts which I have gleaned from public documents, or from my own experience. In July, 1849,‡ "the privies of a number of houses in Silkmill Row, Hackney, were pulled down," and the four cesspools which were substituted for them were situated respectively at the distance of one, three, five, and twelve yards from "the only well which supplies with water twelve houses containing 85 inhabitants." The water, which a fortnight later began to be offensive, was thereafter rendered "as thick as thin soup" by the admixture of sewage. Of the 85 inhabitants 22 wisely avoided the water and escaped disease, while 46 of the remaining 63 "were attacked with severe diarrhœa, one of them approaching cholera." There was no question here of cholera discharges in the cesspools, for the "row" had been and remained free from the epidemic.

"Jacob's Island,"§ a portion of the parish of Christ Church, Bermondsey, contains between 300 and 400 houses, and is surrounded by a tidal ditch or millstream, which receives the contents of the sewers and drains of all the drained houses, besides the refuse of the neighbouring houses and the contents of their privies, and was the

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* *Association Journal*, 1854, pp. 929, 950, 974, 1152, under the signature "Common Sense;" 1855, pp. 207, 283, signed "W. Budd."

† On "The Mode of Communication of Cholera." By John Snow, M.D., Second edition, 1855. Churchill, p. 52.

‡ "Report of General Board of Health on the Epidemic Cholera of 1848 and 1849," p. 60.

§ Mr. Grainger's "Report to the General Board of Health on the Cholera of 1848 and 1849." (Appendix B.) p. 92.

sole source of the water supply of 150 houses. Many of the inhabitants were in the habit of using it for cooking, and had even drunk it unboiled during the heat of summer. Such being the case, need we wonder that "dyspepsia, cachexia, a peculiar 'sickness of stomach,' and irritable bowels are at all times very prevalent;" that in 1832 and 1849 the earliest fatal cases of cholera occurred close to this ditch, and that in the latter year diarrhœa was universal, and cholera carried off 61 victims.

Dr. Acland's statements* regarding the water supply of Oxford are singularly interesting and conclusive. "The southern parishes," he says, "suffered in 1854 nearly twice as much as in 1832, but only a sixth more than in 1849. The water supply was bad; some of the wells were foul to a degree; one stank; some were dry; and the city water, wherever distributed, was unfit for use at such a time." 'In 1832 there were, out of 174 cases in all Oxford, in the parish of St. Clement's alone 74 cases of cholera, and in 1849 only three. During the former epidemic the inhabitants had filthy water from a sewer-receiving stream, and in 1849 from the springs of Headington, conveyed thither,' with the like results as in Exeter soon after 1832. 'In 1854, out of 194 cases, but 18 occurred in St. Clement's; a proportional increase which would tend to show, what indeed we have various other evidence of, that the water supply, though it may be one mode, is not the only mode of conveying the cholera poison.' The case of the county gaol, one of the few prisons in which cholera has prevailed, is peculiarly instructive. It is not far from the city prison, 'is admirably managed' by attentive humane officers, and has an accomplished practitioner for its surgeon, yet has been visited during each epidemic with diarrhœa and cholera, from which the city prison has always been exempt. In the county gaol there were three cases of cholera in 1832, and 14 in 1849; and in 1854, during the fortnight which preceded the inquiry into the state of the water supply on the 29th of September, 'there had occurred 20 cases of choleraic diarrhœa, and five cases of cholera, of which four were fatal.' That branch of the river which flows near the gaol, passes through the Castle Mill, above which it is dammed up for the mill-head. The water, when the mill is at work, forms a brisk stream in the mill-tail, which becomes a nearly stagnant pool when the mill is not working. Into this pool, already much contaminated, the sewage of the prison was conveyed by a drain, within 10 feet of the mouth of which 'the supply pipe sucked up the contents of the pool for the prison use.' With the water thus obtained, 'the soup and the gruel, important articles in the weekly diet, were made.' The pipes were immediately cut off, and only three cases of choleraic diarrhœa and one of cholera (none being fatal) were reported during the rest of the epidemic."

This Oxford episode occurred during a season of epidemic visitation, and remarkable for drought and intense heat: here is another

* Memoir on the Cholera at Oxford in the year 1854. pp. 39, 51, 52.

which occurred in the depth of winter. Few Londoners can have forgotten the great snow-storm of January, 1866. A partial thaw was succeeded by a very sharp frost, and that again on the 11th of January by a gale of wind, another heavy snow-fall, and an exceedingly rapid thaw. The outlet of the large Knightsbridge sewer, being then very small, was soon choked up, and the contents overflowed through the traps into the areas and kitchens of many of the neighbouring houses. Several families drew their supply of drinking water from a favourite private pump hard by. On the 14th it was slate-coloured and smelt offensive; but as on the 17th it looked and smelt perfectly pure, most of the members of the various households again partook of it freely. That night all who had used it were seized with more or less violent diarrhœa, in one case profuse, with obstinate vomiting, closely resembling cholera, and followed next day by extreme and helpless prostration. Those who did not make use of it escaped. The water, when tested with nitrate of silver, was found, notwithstanding its seeming purity, to be "highly charged with organic matter—in fact, with sewage." The well was pumped dry, after which the water was twice tested, and found free from organic impurities.

My next and concluding instance illustrates very strikingly one mode in which typhoid fever may be propagated, and perhaps originated. I agree with my distinguished friend and late colleague, Dr. Murchison, that this very fatal form of fever commonly arises from the emanations of cesspools and sewers, and am disposed to admit that the discharges from typhoid patients, which Dr. Budd regards as highly infectious, and indeed the only medium of infection, may in certain circumstances propagate the disease. Here, however, was neither cesspool nor sewer gas; nor does it appear likely that in the first instance there was any typhoid patient to produce the specific poison*—but simply the admixture of ordinary sewage with the drinking water, which, partaken of by the inmates of a large establishment, produced a frightful outbreak of typhoid or enteric fever. At Bishopstoke in Hampshire, where a small number of the intelligent residents have for some time been struggling resolutely, but as yet vainly, in favour of a system of sewerage, which the vestry and the Winchester board of guardians consider a needless luxury in a place containing 500 or 600 inhabitants, there was in May, 1866, a ladies' boarding school, which contained 28 inmates, and had up to that time had a perfectly clean bill of health. During the previous nine years, at all events, there had not been such a thing as a case of fever in the establishment, which has no cesspool in or near it, the sewage having long been conveyed by a pipe drain into the Itchin. The water was obtained from a spring on the premises, was

* The mother of one of the servants was ill in the village, before the outbreak, of a low fever, said *not* to have been typhoid; but she states positively that neither before her illness, nor during her convalescence, was she within the schools. There was no other case of fever in the neighbourhood.

always filtered before being used, and had been analysed not long before, and found quite pure. The circumstances connected with this analysis are singular and very interesting. I state them in the words of my friend, Dr. Parkes, of Netley, who "saw three of the young ladies frequently," and certifies them all to have been "cases of very severe and unequivocal typhoid fever." "An officer at Netley," writes Dr. Parkes, "being about to place two daughters at this school, made a careful inspection of the building. At the end of it, he said to the schoolmistress, 'I like everything connected with your school, but one thing. I have found out that your drain pipe runs close to your well.' (It was only three feet distant.) 'The lady replied that as the well water was perfectly good, she did not think it could be so, or at least that no harm had ever resulted. Major ——— replied, 'I have heard so much at Netley of the dangers of such an arrangement that I don't like it.' Before placing his daughters there, he obtained some of the water, and I had it analysed for him; it was quite pure. Subsequently he obtained some more, and this was also analysed and found to be quite pure. Major ——— sent his daughters to the school; both had the fever which afterwards broke out, and one of them died. One of the young ladies fell ill and continued so for a week, when she seemed to get better, but felt weak and was easily fagged. She was again attacked on the 20th of June, and had a very severe illness. A second fell ill on the 27th of May, and died on the 27th of June. Between the date of her seizure and the beginning of July, not fewer than 18 out of the 28 inmates were successively attacked. The last case, after an illness of about six weeks, also died on the 18th of August. In two other cases, (*i.e.*, in four out of eighteen) the disease likewise proved fatal. What could be the origin of so severe, and so thoroughly localised, an outbreak of enteric fever? About the 7th of June the water was noticed to have a nasty taste, and from that day its use was discontinued. A careful examination showed that, owing to heavy rains, there had been a subsidence of the soil beneath the drain pipe, which had given way, so as to permit the sewage to escape and gradually to soak through the intervening three feet of earth, till a free run was established between the drain and the well, the water being now found, on re-examination, to contain a large amount of organic impurity." An instructive commentary on the proposal which was at one time made, that those who live at the top of the rising ground on which the village is built, and at some distance from the river, should sink pits for their sewage through the clay, and let it "lose itself," as the phrase is, in the gravel! But what if, instead of losing itself, it should find its way into the springs, and so poison the whole water supply of the neighbourhood? There are many things in heaven and earth not dreamt of in the philosophy of vestrymen and parish surveyors; and one of these is that "out of sight," though "out of mind," does not always mean out of existence.

To return from this long, but far from needless digression, Dr.

Snow is by no means a solitary instance of self-devotion to the cause of sanitary improvement. So far back as 1833, Mr. Robert Baker, the factory inspector, then a public spirited citizen and councillor of Leeds, led the way in exhibiting the monstrous evils, for which, more recently, Dr. Greenhow and Dr. Julian Hunter* in their official reports, and Mr. James Hole, in his deeply interesting work on "The Homes of the Working Classes,"† have held up Leeds and its obstinately obstructive authorities to the wonder and reprobation of the United Kingdom. I regret that I have not had the advantage of perusing Mr. Baker's earlier reports ‡ on the condition of the great industrial metropolis of the West Riding of Yorkshire; but it is highly instructive—as showing for how long a period in this nineteenth century a proved and criminal neglect may be resolutely persevered in, notwithstanding the wholesale destruction of life and morals occasioned thereby—to compare his very able and exhaustive report in 1842§ with the statements of Dr. Greenhow in 1858, of Dr. Julian Hunter, in 1865, and of Mr. Hole in 1866. I make no apology for giving in parallel columns the following savoury extracts, which I request my readers carefully to peruse, that they may understand the enormity of the evils which are often shielded from view by the convenient plea of "the right of self-government." I am happy to think that the picture is now, or will soon be, one of the past, as the recent appointment of so resolute and able an officer of health as Dr. Robinson, affords a guarantee that the local authorities are now at length in earnest about the purification of Leeds.

Baker in 1842.	Greenhow in 1858.
"Along the line of these two wards, and down the street which divides them, and where this sewer has recently been made, numbers of streets have been formed, and houses erected, without pavement, and hence without surface drainage, without sewers, or, if under-drainage can be called sewers, then with such as, becoming choked in a few months, are even worse than if they were altogether without. The surface of these streets is considerably elevated by accumulated ashes and filth, untouched by any scavenger; they form nuclei of disease exhaled from a thousand sources. Here and there stagnant water and channels so offensive that they have been declared to be unbearable lie under the doorways of the uncomplaining poor; and	"Leeds is of course traversed by certain principal streets; but these are fewer than is common in other great towns, and the interspaces between these principal roads are occupied by dense complicated congeries and often of narrow ill-kept streets and courts, which have but seldom been adopted as highways by the municipal authorities, are often in a very foul state, and, according to Mr. Sanderson, the local inspector, are neither kept in order nor cleansed at the public expense. Many of these by-streets are neither paved nor drained, and very often they are so imperfectly channelled, that surface water remains stagnant on them until dried up by the influence of the sun and wind. Sometimes these streets have no outlet at the further end, being

* "Second and Eighth Reports of the Medical Officers of the Privy Council," 1859 and 1855.

† "A Chapter on Leeds." pp. 123-144.

‡ In 1833, 1838, 1839, and 1840, referred to by Mr. Hole, p. 123 *et seq.*

§ "Local Reports on the Sanitary Condition of the Labouring Population of England and Wales, 1842," pp. 348-409.

privies so laden with ashes and excrementitious matter as to be unuseable, prevail, till the streets themselves become offensive from deposits of this description: in short, there is generally pervading these localities a want of the common decencies of life." (*Local Reports*, 1842, p 352.)

Of one noted *cul-de-sac* he says, "the name of this place is the Boot and Shoe Yard, in Kirkgate, a location, from whence the Commissioners removed, in the days of the cholera, 75 cart loads of manure which had been untouched for years, and where there now exists a surface of human excrement of very considerable extent, to which these impure and unventilated dwellings are additionally exposed." p 353.

"The contractor for the street sweepings, who is the treater with the Commissioners of Public nuisances in Leeds, absolutely rented and rents, or did rent a very few weeks ago, a plot of vacant land in the centre of North East Ward, the largest ward, in point of population, of the whole township of Leeds, and containing the greatest number of poor, as a depôt for the sweepings from the streets and markets, both vegetable and general, for the purpose of exsiccating and accumulating till they could be sold as manure and carried away. So noisome were these exhalations, that the inhabitants complained of their utter inability to ventilate their sleeping-rooms during the day time, and of the insufferable stench to which both by day and night they were subjected. "A great many of the privies of the cottages are built in small passages, between clumps of houses which are different properties; others, with the ash entrance open to the public streets; and others at a little distance from and open to the front of the houses; whilst some streets are entirely without. The inhabitants, to use the language of an old woman of whom inquiry was made, says that 'they do as they can, and make use of the streets as the common receptacle.' These remarks apply in particular to three streets of Leeds, which contain a population of between 400 and 500 persons, where there is not a useable privy for the whole number." p. 356.

in fact mere *culs de sac;* more frequently they communicate one with another, so as to form a complicated labyrinth of very imperfectly ventilated little streets and courts. Houses in such situations are very commonly indeed built back to back, and even when not so they are often destitute of windows in the rear, and possess no efficient means of thorough ventilation. The streets of Leeds have in fact been laid out and the houses erected according to the caprice or interest of their owners, without reference to the health, comfort and convenience of the inhabitants, or to the fact that they were destined to form integral parts of a great town. The courts of Leeds are rarely spacious and airy, are sometimes entered through covered passages, and are by no means always clean, but more frequently are unpaved and in bad condition. Privies are almost universal, and are, from their position in relation to dwellings, the most prominent sanitary defect of the town, water closets being unknown among the poorer classes As is common in other manufacturing towns, a single privy usually serves for several families. The situation of the privies is often most objectionable: in many of the smaller streets they are placed beneath inhabited rooms; in others they are sometimes placed against the walls of houses, or so near to them that the effluvia are felt within doors, and infect many of the courts and smaller streets. Although certainly not the exclusive cause of diarrhœa, yet upon the whole that disease has been the most rife and most fatal in streets where the privy nuisance prevails in an aggravated form."—"Second Report of Medical Officer of Privy Council." 1859, p. 134.

HUNTER in 1865 and 1866.

"To the eye of an inspector who had just left Newcastle and Sunderland, and who in the same week visited Sheffield, Leeds, in August, 1865, presented a surprising sight, bringing to remembrance the condition of many English towns of twenty years ago, but finding hardly any standard with which to be compared in the present state of any great town. Thousands of tons of midden filth filled the receptacles, scores of tons lay strewn about where the receptacles would receive no more. Hundreds of people, long unable to use the privy because of the rising heap, were depositing on the floors. A few dawdling carts, under command of Mr. Sands, the corporation officer, and subject to no inspection, unless Mr. Sands be taken to be inspector of his own duties, would, after many applications, relieve the middens of such inhabitants as could, by peremptory manner or by influence obtain a hearing. Even then the relief was most imperfect. In one instance the scavenger reported a receptacle as emptied, yet twenty tons of stuff were removed when a second visit was insisted on. The pressure of these enormous weights was so great that liquid ordure had been seen, after penetrating the ground, to be forced up around the hearthstones of neighbouring cottages. The officers of the union complained to their board no less than 3,500 times, in about two years and a half, of distinct instances of neglect.

"The force employed in cleaning, which had been last spring forty-five carts, had been reduced to thirty, and with an excess of delicacy, badly agreeing with the universal neglect, no removals were made except by night. Such carts as were employed only carried the midden filth to a deposit in the town, by the water side, except a few by which some railway trucks were loaded At this deposit stood thousands of tons of midden filth needlessly waiting for removal by boat or cart for consumption; 7,000 tons stood there at one time this year, and yet the quantity at this moment found to be necessary is and need never exceed one hundred tons. Boxes which receive closet manure from manufactories are here emptied in large numbers, and though both at the original receptacles and at the deposit itself a

HOLE in 1866.

"To crown the imperfect construction of these dwellings they are placed in immediate contact with privies and cesspools, which, although seldom noticed by the inhabitants, are utterly intolerable to a stranger. Then, again, the supply of privies is quite inadequate for the ordinary requirements of decency, and many of them are under bedrooms. p. 127.

"'On Sunday mornings,' says a woman, 'the neighbours have to watch and wait for a chance of getting into the conveniences!' In one of the above streets the privies have pigsties beside them! How intolerable the stench, particularly in hot weather, the reader may conceive. p. 128.

"Owing to a recent increase of fever and of the death-rate, meetings to consider the sanitary state of Leeds have been held in every ward, at which clergymen and others cognizant of the facts agreed in showing that there was serious neglect; that numerous ashpits were filled to overflowing in immediate proximity with the houses of the poor, and that gully-holes in the streets had been closed up for months.

"'We saw,' says one of the visitors in Hunslet, 'places that had been full for weeks, not of ashes, but of fluid matter, up to the seat, so that the women in the houses said they had to empty everything into the streets. In one yard, consisting of twenty-six houses belonging to one landlord, there are two privies only, and an open drain down the centre. A school of sixty boys adjoins the privies, and the ashpit is only about four feet high. In another yard, belonging to the same landlord, there are thirty-two houses to two privies, and the yard itself is saturated with disgusting matter." p. 129.

"We can point to numerous pigsties which have existed more than thirty years, in close proximity to dwellings in the very centre of the town, and which still flourish as redolent as ever." p. 130.

deodorizing powder was freely used, the place emitted a strong fæcal stench, doing its best to warn the corporation of the mischief they were doing." (Eighth Report of the Medical Officer of the Privy Council, p. 234.)

"The orifice of the midden was even in large highways often turned to the street, and often unprotected by any door. There were properties without any privies or ashpits at all, yet quite within the town.

"On the 26th of May, 1866, the justices ordered the removal of the Waterloo depôt; the town clerk appeared to beg delay." p. 236.

Happily, as we shall see, the "ancient reign" of the pigs and piggeries in Leeds has now been effectually disturbed, and we have been lately reminded, by a letter in the *Times** from Dr. Fowler in reference to the state of privies in the City of London, that Leeds is not the only place where urgent and oft-repeated complaints and remonstrances are unheeded by the local authorities.

What has been done for Leeds by those gentlemen to whose labours I have referred, has been done for Oxford by Dr. Acland, whose memoir on the Cholera in 1854† is indeed an exhaustive treatise on the then unwholesome condition of that renowned seat of learning. I shall have occasion again to refer to the interesting information with which he has lately favoured me as to its present state and prospects. Dr. Shapter's volume‡ and supplement have thrown much light on the history of the cholera at Exeter, and of the sanitary measures adopted with such encouraging success in consequence of its frightful ravages in 1832. Dr. J. C. Hall has from time to time contributed much valuable information on the state of Sheffield and the diseases prevalent there. Mr. Rendle§ and Dr. Horace Jeaffreson‖ have given us precise and highly important facts regarding the principal fever haunts of London, and the mode in which they are dealt with by vestries. Dr. Tyacke has been unwearied in his efforts to stimulate the local authorities of Chichester, and Dr. Edward Wilson, failing any vigorous and comprehensive measures on the part of the Town Commissioners, has supplied us with numerous and authentic details regarding Cheltenham in his elaborate and very able paper read before the British Association for

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* September 17th, 1866.

† "Memoir on the Cholera at Oxford in the year 1854, with Considerations suggested by the Epidemic." By Henry Wentworth Acland, M.D., F.R.S., F.R.G.S., &c. Churchill, 1856.

‡ "History of the Cholera in Exeter in 1832." Churchill, 1849.

§ "London Vestries and their Sanitary Work." By W. Rendle. Chu 1865. "Fever in London: its Social and Sanitary Lessons," 1866.

‖ Letters in *Times*, April 14, September 7, 1865, January 3, 27, Marc 1866. See also leaders, April 15 and September 7, 1865, January 3, 5, 1866

the Advancement of Science in 1864.* Of the abundant labours of my friend Mr. Rumsey, also of Cheltenham, and one of our highest authorities on all matters connected with "State Medicine," it would be superfluous in me to say a word in commendation. Gloucester and Newcastle-upon-Tyne are likewise fortunate in having each an accomplished and able medical reporter. Dr. Washbourn, in the former city, has drawn up and published at his own cost five annual reports "On the Sanitary Condition of Gloucester and its Vicinity;" and Dr. Philipson, to whom I am indebted for much help heartily given, has for several years published the result of the returns sent to him by the members of the Northumberland and Durham Medical Society, in a report, which appears every two months, of the prevalent diseases of Newcastle and the whole surrounding district. As regards Manchester, the only ground of hope for future sanitary reform would seem to be the existence of its justly celebrated sanitary association,† which has for a long series of years been collecting, and classifying, and publishing in weekly, quarterly, and annual reports, which are models of their kind, a mass of details of the highest value in relation to the health of Manchester and Salford. And not only so, but they have long been endeavouring (my distinguished friend, Mr. Thomas Turner, the president, frequently taking part,) to inculcate sound sanitary and social doctrines among the working population, by courses of lectures admirably fitted to promote the end in view. They have also from time to time applied themselves to the more herculean task of stirring up the local authorities to the discharge of some of the more obvious responsibilities devolving upon them as the guardians of the health of the great and prosperous community, which, by a pleasant fiction, they are presumed to govern for its good. The very striking and valuable paper entitled, "Remarks on Some of the Numerical Tests of the Health of Towns," by Messrs. Arthur Ransome and William Royston, was published by that Association in 1864; and to its honorary secretary, Dr. John Edward Morgan, we owe the very interesting and instructive paper read at Sheffield last year,‡ on "The Danger of Deterioration of Race from the too Rapid Increase of Great Cities." Though some may be inclined to fear that the *vis inertiæ* which has so long and so pertinaciously withstood such well-directed efforts, must be invincible, we cannot resist the conviction that, in the unabated vigour with which this admirable association maintains its protest against official neglect and incompetency, we have the pledge of an ultimate and complete victory.

If the zeal and energy of a few private individuals singly and in combination, and of associations, have thus been applied, with so considerable an aggregate result, to the increase of our knowledge

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* Since published as a pamphlet—"Sanitary Statistics of Cheltenham." Longmans, 1865.

† The Manchester and Salford Sanitary Association.

‡ *Transactions*, 1865, pp. 427 to 449. Since published by Longmans in a separate form.

and the establishment on a solid basis of the principles that should guide us in our endeavours to improve the public health, much larger contributions to our knowledge and progress have been made, first by Mr. Chadwick and his reporters throughout the country in 1842 and 1843, and during the last nine years by the medical officer of the Privy Council and his staff of very able assistants. Here we have another force *ab extra* brought to bear on the sluggishness of local bodies. After the first visitation of the cholera, the mop and pail, which had for a time been much in requisition, were by common consent laid aside, and the whole nation fell asleep in the midst of yearly-accumulating abominations, until, in the general and local reports on the sanitary condition of the labouring population of Great Britain, Mr. Chadwick and his fellow-workers held up the mirror to a multitude of foul spots both in town and country, and produced an impression of incredulous horror, which the lapse of a quarter of a century has not entirely obliterated. But it was not till 1858 that the foundation of our present system of annual reports was laid, in a small but very remarkable Blue Book,* which consists mainly of a report by Dr. Headlam Greenhow, "On the Different Prevalence of Certain Diseases in Different Districts of England and Wales," with an introductory report by Mr. Simon. The very valuable reports made in subsequent years, according to the terms of sections 5 and 6 of the "Act (1858) for vesting in the Privy Council certain powers for the protection of the public health,"† on diarrhœa, diphtheria, lung diseases, typhus, typhoid fever, and small-pox, by Dr. Greenhow, Dr. Burdon Sanderson, Dr. Buchanan, Dr. Seaton, Dr. Julian Hunter, Mr. Radcliffe and others, have amply confirmed the soundness of the principles set forth in the preliminary papers, and have from time to time placed in the pillory, for the edification of the public, some of the more incorrigible offenders. That good has been effected by this wholesome practice of publicly recording the chief sanitary events of each year, of investigating on the spot the circumstances which have preceded and accompanied local outbreaks of epidemic and infectious disease, and of laying the result before Parliament, it would be absurd to deny. And that this work has been well and very ably done by Mr. Simon and his assistants, will, I apprehend, be universally admitted. Yet the benefit accruing therefrom has consisted much more in the collection and diffusion of authentic information, than in the communication of any decided impulse towards sanitary improvement among the great masses of the population, where preventable disease slays its annual myriads. I wish to speak guardedly on this subject, notwithstanding the special inquiries I have instituted, because I observe that Mr. Simon,‡

* "Papers relating to the Sanitary State of the People of England." Presented to both Houses of Parliament, by command of Her Majesty, 1858.

† 21 & 22 Vict., cap., 97.

‡ Eighth Report of the Medical Officer of the Privy Council for 1865. pp. 18, 19.

speaking of Dr. Buchanan's investigations into the state of "places in which, for some considerable number of years, proper works of drainage and water supply have been established, or particular sanitary regulations been in force," expresses the hope that he may be able, in his next report, "to state conclusions which may be permanently valid as to the practical fruit of our best tested sanitary improvements."

Still it is impossible, while reading those very interesting and instructive records of local sluggishness and preventable mortality, to banish from one's mind the express terms of the "Diseases' Prevention Act, 1855," under which, as confirmed by "the Public Health Act, 1858," the Privy Council exercises its present functions in health matters. "Whenever (sect. 5) any part of England appears to be threatened with, or is affected by any formidable epidemic, endemic, or contagious disease, the Lords and others of her Majesty's most Honourable Privy Council, or any three or more of them, may, by order or orders to be by them from time to time made, direct that the provisions herein contained for the prevention of diseases be put in force," &c. And section 6 goes on to provide that they "may issue directions and regulations for the speedy interment of the dead; for house to house visitation; for guarding against the spread of disease, and affording to persons afflicted by or threatened with such epidemic, endemic, or contagious diseases such medical aid and such accommodation as may be required." These ample powers were plainly conferred, if words have any meaning, with the view of enabling the executive not only to prevent the introduction of epidemics from without, but to root out, if possible, those formidable and destructive diseases which have so long dwelt or are begotten in the homes of our people. They have, however, been directed so exclusively against those rare visitants, the alarm of whose approach is in itself a warning to make ready, that they are generally supposed to have no force against our bosom-vipers, which have a vested right to sting to death as many as they list, or as the "liberty of the subject" thinks proper. If cholera threatens us, if yellow fever comes to one of our seaports, if a single case of cattle plague or sheep-pox appears among our herds or flocks, forthwith "my lords" wake up into a state of preternatural activity, hourly telegrams flash to and fro, and voluminous orders fill the pages of the *Gazette*. But with the departure of these intruders the wonted quietude returns, as if there were no "formidable epidemic, endemic, or contagious disease" within our borders worthy to engage "my lords'" attention! Yet true it is that strong men and healthy women—"the breadwinners" of the nation, as Dr. Trench truly remarks—are "dying like rotten sheep" by thousands, after a fortnight's illness, of typhus, of typhoid, and of small-pox; and we think we have done our duty when we have held an inquest on the hecatombs of dead! For several years typhus has been raging epidemically in London; and in Greenock, in the west of Scotland, so virulent has been its type, and so great the mortality occasioned by it, that a special inquiry, conducted by so able an observer as my

friend Dr. Buchanan, was reckoned necessary by the Health Department of the Privy Council.* As regards London, the statements of Dr. Horace Jeaffreson and Mr. Rendle, which recal, as they exactly tally with, my experience in the Glasgow fever hospital thirty years ago, show that its principal haunts are well known, and leave no doubt that by the timely removal of the sick, and by emptying and thoroughly cleansing and limewashing the tenements where it has fixed its abode, this demon of our great towns might be effectually exorcised. Recent experience in Bristol, as I shall show, goes to establish the same position. Let it then be clearly understood that the means of greatly diminishing, if not of putting a stop to the ravages of typhus are within our reach; that the Privy Council has full power to put these means in force for the public good and the preservation of life from wholesale destruction; but that, nevertheless, the Privy Council declines the responsibility of saving the lives of the lieges against the will of interested landlords and the prejudices of the local authorities! Placed in this light, the phantom of "vested rights" assumes a very hideous aspect; and the *inertia* of the Privy Council seems to ordinary minds both inexplicable and inexcusable. Their function, it would appear, is calmly to watch the progress of the slaughter which they might prevent, and then "to point the moral" which dead tongues cannot enforce, and to "adorn the tale" which the victims of official prudery cannot tell. The Home Secretary, again, who is empowered by the Sanitary Act, 1866, to interfere, if he sees fit, on complaint made to him of the default of any local authority, will doubtless, as a general rule, see fit *not* to interfere, and will leave matters to right themselves.

Having thus glanced at what has, and what has not, been effected by individual and combined local effort, and by public departments under the Crown, let us next inquire what has been done by the local authorities themselves, to whom, as we have seen, belongs the duty—which they must not be enjoined to fulfil—of caring for the health of their constituents. To such an extent has the policy of non-interference been carried, that outside of London the appointment of medical officers of health is entirely optional; and since 1860 the authorities of places under the Nuisances Removal Act are left free to appoint or not, as they may think fit, even inspectors of nuisances. Before that date their appointment was obligatory.

The fruits of this suggestive and marvellously inconsistent policy are precisely what might have been expected. In the absence of any official returns on this important subject, I first consulted what professes to be a quasi-official work, published by Knight and Co., viz., "The Union, Parish, and Health Officers' Guide for 1865." There I found that of 570 places under the Local Government Act, 1858, and the Public Health Act, 1848, with populations varying from 214 to 200,000, fifty seem to have no inspectors of nuisances;

* Eighth Report, &c. pp. 209-220.

153 have each one; 16 have two; and four have three inspectors of nuisances; while in 347, one man holds the double office either of surveyor and inspector of nuisances, or of inspector and collector, or unites in himself all the three offices of surveyor, inspector, and collector. It struck me as strange that small places with not more than 800 inhabitants should have two inspectors, while large towns, such as Brighton, Bradford, Merthyr Tydfil, Nottingham, Portsmouth, and Sunderland, with populations varying from 50,000 to 106,218, have no more than two; and yet more strange that Preston, with 86,000, Bristol with 154,000, and Sheffield with 200,000 of a population, should have only one! And what is one among so many? I found also that in 92—one-sixth of the 570 places enumerated—officers of health had been appointed, and it struck me as very strange that 63 of these held office in places whose population was under 10,000, while only 29 remained for towns with large populations; and 111 towns with populations varying from 20,000 to 200,000 had no officer of health at all. These results, obtained with much labour and expenditure of time, seemed to me too startling to be trustworthy; and the Privy Council reports contained scarcely a syllable in reference to this subject, on which one would think they ought to contain the fullest and most accurate information. I accordingly sought a check in the "Municipal Corporations' Directory," a work very recently published, and containing much useful information; but I found, after a very careful examination, that while every other officer, however insignificant, is thought worthy of insertion, medical officers of health scarcely ever appear, not even those in the metropolis being inserted; and inspectors of nuisances are very often awanting. I enter into these details for a special reason, viz., to demonstrate the necessity of having an annual Parliamentary return of all these officers, of the population and extent of the districts under their supervision, of the duties devolving upon them, and of the salaries paid to them. Such a return would shew us at a glance which places we should take an example from, and which, again, should be made examples of, and would form an indispensable preliminary to sound and comprehensive legislation.

Baffled in the quarters to which I have referred, but considering it essential to have thoroughly accurate and trustworthy information on a subject of so great importance, I felt that I must myself undertake this parliamentary inquiry, and commenced correspondence, as my distinguished friend Mr. Rumsey did before publishing his work on "State Medicine," with some of the many friends whom I have the privilege of knowing in London and throughout the country. I also ventured to apply to not a few to whom I must have been entirely unknown, in the hope that the freemasonry which exists among those who have a common object and end in view would not only excuse my boldness, but respond to my appeal. The result proves that I was not mistaken, for in only one case out of more than a hundred have I been disappointed of a return; and these have generally been prompt, always clear and cordial, and often full. The

best thank offering I can present to those who have so kindly trusted me is to gather up and exhibit some of the fruits of this inquiry.

And first, as regards the metropolitan district, which, as having been for eleven years under the compulsory provisions of the Metropolis Local Management Act, many reckon a pattern to be held up for the imitation of the whole country. How far this impression is warranted by facts, let the following tabular statement, compiled from the most authentic sources, bear witness. (*See opposite.*)

Let me endeavour, as briefly as possible, to extract the full meaning of this table. And first about the double column for population. After carefully constructing my table and striking my averages from the local returns, I found, on comparing them with the Registrar General's Summary for 1866, that the discrepancies in particular districts were so great as to necessitate the entire reconstruction of my table. Though the general result is not much affected thereby, I have exhibited the two returns side by side, as showing most conclusively how important it is that the health officers and the Registrar-General should compare notes together, so as to ensure accuracy in the local death-rates.

The metropolitan district, with a population of above three millions, has 47 medical officers of health, or, on an average, one to 64,500; or, deducting the population of Woolwich, which has no health officer, one to every 63,630 inhabitants. According to the Registrar-General's statement of the population, there is one to 64,638; or, excluding Woolwich, one to 63,630. This general average, however, gives no idea of the immense disparity existing between the districts both in extent and populousness; for while, at the one end of the scale, there are three with scattered populations of 4,000, 7,500, and 10,000 respectively, there are three at the other end with dense populations of 163,000, 191,000, and 211,000. The number of inspectors of nuisances for this enormous and rapidly growing population is nominally 100; in the proportion, after deducting Mile End and Woolwich, from which I have no returns, of one to 29,000 inhabitants. Nominally, I say, for it must not be forgotten that the whole time of one, and most of the time of eleven others, is occupied in doing work unconnected with sanitary matters. If, then, we reckon these twelve as equivalent to five efficient inspectors of nuisances (a very liberal allowance), we have not more than 93 inspectors for the three millions of inhabitants, and the 78,800 acres of area of the metropolitan district; or one to 31,300 inhabitants. But here, again, the disparity of the districts is immense; for while two sub-districts, with populations of 4,000 and 10,000 respectively, have each the services of one inspector under the control of the medical officer, St. Marylebone and St. Pancras, with their widely extended areas, and with populations respectively of 163,000 and 211,000, have each of them only two; and the services of two half-inspectors are available for Greenwich with 97,000, and Shoreditch with 136,000 inhabitants! In some

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districts, viz., Shoreditch (which has declined to take up the Sanitary Act, 1866), Streatham and Putney, the sub-inspectors engaged during the prevalence of cholera, under the orders of the Privy Council, have been discharged. In Hampstead, Wandsworth, Clapham, and Battersea, one of the two then engaged for each sub-district has been retained for a time; while, in Camberwell and in Chelsea, the local boards have had the good sense to retain the whole staff of inspectors, a measure which is producing the most satisfactory results. In Chelsea, Dr. Barclay informs me, the inhabitants have already discovered that the removal of nuisances by the vestry officials is a reality, instead of a sham, as has too commonly been the case when ordinary dustmen have been charged with its execution.

As regards the performance of the work assigned to them, one great outstanding fact stamps the character and spirit of the Metropolitan Medical Officers of Health. Their union—for most of them belong to it—in a society which meets weekly for discussion and interchange of information on all subjects of general and present interest to the health of the community, has made them a power in the State, of so considerable influence, that recalcitrant vestrymen, scandalized at the spectacle of the servants presuming to take counsel together, and to dictate to their masters, have repeatedly threatened them with censure or dismissal. It is very plain that these gentlemen, who, in addition to the fatigues of their daily practice, thus voluntarily undertake so serious an additional burden, in the interest not of themselves but of the public, are thoroughly in earnest in the work they have in hand; and the presumption is strongly in favour of an efficient discharge of the duties of the office, so far as that depends on their personal efforts, and is consistent with the exigencies of private practice. But the officer of health, even if unencumbered with the cares and distractions of an extensive and laborious practice, is neither an Argus nor a Briareus, with a hundred eyes to spy out and a hundred hands to remove the nuisances of his district. The inspector of nuisances is, or ought to be, the right hand of the officer of health, to whose usefulness, if he be backed by the local authority and aided by a thoroughly efficient staff of inspectors, it would be rash to set limits.

If, however, the local authorities, acting as if the officer of health were to be his own inspector, decline to appoint more than one sanitary inspector for districts containing 30,000, 60,000, 80,000, 100,000, 120,000, or even 136,000 inhabitants; if, moreover, they render that one inspector independent of the officer of health, or, acknowledging his partial responsibility to that gentleman, so burden him with other duties that anything like efficient inspection of nuisances becomes an impossibility—what is the conclusion we are forced to draw? Plainly, that, whoever may be in earnest about the removal of nuisances and the improvement of the public health, such local authorities are not so. I cannot better exhibit the full force of the evidence afforded by this table as to the utter inadequacy of the inspection to which many of the most crowded and unhealthy

districts of the metropolis are now subjected, than by quoting the following very instructive passage from Mr. Rendle's paper on "Fever in London: its Social and Sanitary Lessons."

"In the next parish to mine are 8,603 farmed houses, and but one inspector. In May, 1865, according to a return I have, the City of London, St. Pancras, Marylebone, Lambeth, Islington, had each but two inspectors; St. Leonard's, Shoreditch, only one. Of course it is impossible to do the work, and get rid of the fever-producing causes in this way. I have vestry lists of cases for sanitary improvement. With one inspector, who gave part of his time to sanitary work, average of two lists of places requiring work to be done, 31. After the appointment of one additional inspector, average of two lists, 315 cases. Lambeth is now seriously debating on the appointment of two additional inspectors; so is St. Pancras."

It appears, from the returns furnished to me, that the "serious debates" spoken of by Mr. Rendle have issued in the appointment of one more inspector for Lambeth, which has now three to its 176,000 inhabitants, while St. Pancras, with its 211,000, and St. Marylebone, with 163,000, have still only two a-piece. In Islington, however, on the earnest representation of my friend and former colleague, Dr. Edward Ballard, the able and energetic officer of health for that district, two have lately been added. In London proper, including "East London, West London, and London City," of the Registrar-General's Summary, there are eight, of whom five look after the town districts, and one takes charge of the shipping, while two are set apart for the inspection of meat, slaughter-houses, and common lodgings, the whole staff being entirely under the direction and control of so accomplished a chief as Dr. Letheby. Whitechapel is also provided with four inspectors, under the able superintendence of my friend Mr. Liddle. Bethnal Green, Bow, Hackney, Limehouse, Poplar, St. Giles and St. George's, Bloomsbury, and St. James's Westminster, have each three, though in Limehouse they are burdened with many other duties, and in several other districts their time is chiefly occupied about the streets and roads. Of Camberwell, with its four, and Chelsea with its seven inspectors, I have already spoken. The latter is, in this respect, the model district of the metropolis, for while some of the outlying sub-districts, with extensive areas and rapidly growing populations, have one inspector to from 4,000 to 9,000 inhabitants, it alone has one inspector to every 9,000 of its population. With such a staff it is not wonderful, as Dr. Barclay expresses it, that nuisances are not only inspected but removed; while Mr. Rendle's experience shows that with one—or a part of one—inspector to a population of 55,000, the apparent freedom from nuisances arises from their not being looked for. The excellent practical result of this policy in whitening the outside of the sepulchre, while the "dead men's bones and all uncleanness" are festering within, is well understood and acted on throughout the country. It is, I am informed on unquestionable authority, a common practice for local authorities throughout England to appoint a

relieving officer inspector of nuisances for an extensive district—his duties as a poor-law official being more than sufficient to occupy his whole time—and to give him a few pounds at Christmas, in consideration of his important services in hiding from the public gaze those evils against which he is supposed to wage a war of extermination. I have already hinted that one of the most ingenious devices for neutralizing the influence of the officer of health is to make the sanitary inspector wholly, or in great part, independent of his control. I invite special attention to the fact that in not fewer than fifteen districts or sub-districts of the metropolitan area, this most faulty arrangement prevails. When such are the relations between them, it depends entirely on the inspector whether he shall co-operate heartily with the health officer, or treat his wishes and suggestions with systematic neglect. It is difficult to imagine a system more likely to produce a dead lock in the working of the sanitary machinery than this.

I very much regret that, owing to the absence of a full return from that district, I am unable to complete this valuable and suggestive table by filling in the number of inspectors employed in the extensive and densely populated parish of Mile End Old Town. Woolwich, it appears from the Registrar-General's summary, is still without an officer of health. I conclude, therefore, that the sanitary concerns of its 47,363 inhabitants are still in a double sense *overlooked* by a single officer, who is supposed to be at once surveyor and inspector of nuisances.

Before dismissing the sanitary arrangements of the metropolitan district I must offer a few remarks in reference to the salaries paid to the medical officers of health. These vary from £50 to £600. It is a fact worthy of special record, that not less than eight out of forty-seven able and highly educated gentlemen receive £50 of annual salary for discharging the duties of the highest sanitary office under the local boards of this great metropolis! The salary of one of these gentlemen, and that of another in a neighbouring district, were originally £75, but were reduced to £50. The former is still on the reduced allowance, while the latter has been lately reinstated in his original salary. Yet another, with the oversight of a population of 30,000, spread over an area of about 5,000 acres, receives seventy guineas (£73 10*s.*) for a year's labours. So that ten out of the forty-seven medical officers of health of the metropolitan district are at this moment in receipt of salaries at and under £75 per annum! The grand total expended annually on officers of health in this vast capital, with property assessed at an annual value of above fifteen and a quarter millions, is under £8,000. The average salary of the whole forty-seven is £168 16*s.* But deducting six who receive from £300 to £600, and whose united salaries amount to £2,250, the average annual remuneration of the remaining forty-one is exactly £139 16*s.* 7*d.* In Bethnal Green and St. Martin's-in-the-Fields, sums of £150 and £105 respectively have been voted to the officers of health for their valuable services during the late epidemic

of cholera; but a proposal recently made to vote £100 to my friend, Mr. Lord, for his labours during the late outbreak of cholera at Hampstead was negatived.

But it is not only the salary of the officer of health that is dependent on the goodwill, or the whim, of the local board. He holds his office during their good pleasure, and the very efficiency with which he performs his duties may be an unpardonable sin in the eyes of a majority of his masters. His statements of fact may touch the interests of some, his suggestions of remedies may excite the displeasure of others, his unwelcome enunciations of great principles may create a general commotion; and if the soundness of his position cannot be assailed by reasoning, passion may suggest—as it has before now suggested—a reduction of salary, or a threat of dismissal, as likely to bring the offender to his senses. Even when no such unseemly exhibitions of temper are made, the simple plan is to let the report and suggestions of the health officer lie unheeded on the table. It would be curious and instructive to know how often the valuable results of long and laborious inquiries have thus been quietly shelved, to the detriment of the public, and in defiance of the intentions of the legislature. I am well aware that in some—perhaps not a few—instances, a very different spirit prevails, and the local authority gives a hearty support to its officer of health. But the undoubted fact that it is often otherwise proves the absolute necessity of a change of measures, if our sanitary progress is not to be indefinitely checked by the passive resistance of ignorance and unreasoning prejudice. What these measures are I defer pointing out, until I shall have given a summary of the evidence I have received from many large towns in England, and from a few in Scotland and in Wales.

I have received returns from 59 towns, with populations varying from 8,000 to 483,000, seven only having less than 20,000, and thirty-one having from 40,000 to 483,000 inhabitants. Indeed fourteen of the latter group have above 100,000, and two more respectively 97,800 and 96,800 inhabitants. It will be seen, from these figures, that, though many towns from which I could have wished to obtain information do not appear in my tables, those which are contained in them include a very large proportion of the principal towns of the kingdom, and give a fair representation of our actual sanitary condition. Of the entire number 51 are in England, four in Scotland, and four in Wales. The best guarantee I can give of the trustworthiness of my information is to record the names of those gentlemen who have so kindly furnished it.

Town.	*Reporter.*
Aberdare.	Mr. David Davies, O. H.
Aberdeen.	Dr. Ogston.
Bath.	Dr. R. W. Falconer.*
Birkenhead.	Mr. C. G. Mott, chairman of Health Committee, and Dr. M. K. Robinson, late O. H.

Town.	*Reporter.*
Birmingham	Dr. Alfred Hill, Borough Analyst, through Mr. Watkin Williams.
Bradford.	Clerk of Board of Guardians, through Mr. Wm. Dunlop.
Brighton.	Mr. J. Cordy Burrows.*
Bristol and Clifton.	Mr. David Davies, O. H., through Dr. Henry Marshall.
Cambridge.	Dr. P. W. Latham.
Canterbury	Dr. Alfred Lochée.
Cardiff	Dr. H. J. Paine, O. H.
Carlisle.	Wm. B. Page, through Dr. Goodfellow.
Cheltenham	Mr. H. W. Rumsey and Dr. Wilson.
Chester	Mr. John D. Weaver.
Chichester.	Dr. Tyacke.
Derby	Dr. Wm. Ogle.
Devonport	Mr. Paul W. Swain
Doncaster	Mr. Francis C. Fairbank, O. H.
Dundee.	Dr. Robert Cocks.
Edinburgh	Dr. Littlejohn, O. H., through Dr. Warburton Begbie.
Exeter	Mr. P. C. Delagarde.
Gateshead.	Dr. Wm. Robinson, O. H. through Dr. G. H. Philipson.
Glasgow	Dr. Wm. T. Gairdner, O. H.
Gloucester	Dr. Washbourn.
Greenock	Dr. Wm. J. Marshall, through Rev. John McFarlan
Grimsby	Mr. H. M. Leppington.*
Halifax	Through Mr. W. Dunlop, of Bradford.
Hastings and St. Leonard's-on-Sea	Dr. Blakiston, F.R.S.
Hereford	Mr. C. Lingen.
Hull	Dr. Henry Munroe.
King's Lynn	Dr. John Lowe.
Leeds	Dr. M. K. Robinson, O. H., late of Birkenhead.
Leicester	Dr. John Barclay, and Mr. Moore, O. H.
Lincoln.	Clerk of Local Board, through Mr. R. S. Harvey.
Liverpool	Dr. W. S. Trench, O. H.
Maidstone	Dr. John W. Woodfall, J.P.
Manchester	Sanitary Association, through Mr. Arthur Ransome.
Merther Tydfil	Mr. Thomas J. Dyke, O. H.
Newcastle-upon-Tyne	Dr. G. H. Philipson, and clerk of Public Health Committee.
Newport (Monmouth)	Dr. Benj. Davies, O. H.
Northampton	Dr. John M. Bryan.
Norwich	Mr. Wm. Cadge.
Nottingham	Dr. Tindal Robertson.
Oxford.	Dr. H. W. Acland. F.R.S.
Paisley	Dr. Richmond, O. H., through Dr. Wm. McKechnie.
Plymouth.	Dr. Cookworthy, and Mr. J. H. Eccles.
Portsmouth	Mr. H. Burford Norman.
Reading	Mr. T. L. Walford, O. H., through Mr. George May, Jun.
Salford	Sanitary Association, through Mr. Ransome.
Sheffield	Dr. John Charles Hall.
Shewsbury	Dr. Styrap.
Southampton	Dr. Wiblin.
South Shields	Mr. Leonard Armstrong, through Dr. Philipson.

Town.	*Reporter.*
Stafford.	Dr. Henry Day.
Sunderland.	Dr. Yeld, O. H., through Dr. Philipson.
Tynemouth.	Mr. Procter, chairman of Sanitary Commissioners, through Dr. Headlam Greenhow.
Wolverhampton.	Mr. E. J. Hayes, Town Clerk.
Worchester.	Mr. H. W. Carden.
York.	Mr. W. D. Husband.*

Of the fifty-nine towns here enumerated eighteen only have regularly appointed and permanent officers of health. In five others appointments have lately been made under pressure, but only for periods of two or three months, and with temporary salaries attached to them. I place these towns, as giving no guarantee for the permanence of their present arrangements, in a separate group (A. Table II.) Group B again represents those local authorities who have, some of them many years ago, others very recently, "put their hands to the plough and are not looking back." A glance at the column which tells when the office was instituted is in itself very instructive. Of the twenty-three towns included in both groups, nine had officers of health before the commencement of 1864, while in eight of the remaining fourteen they were first appointed between April and August, 1866. So true is it that great epidemics are epochs of sanitary development, the threatened visitation of cholera having been the efficient cause of almost all of the recent appointments. But in some of these towns the development is marked apparently by a hesitation which bodes ill for the permanency of the recent reform, and certainly by a notable amount of caution and thriftiness—virtues which are supposed by some to have their favourite abode to the north of the Tweed, but which seem to flourish well in some parts of England. For instance, Lincoln, Maidstone, and Oxford, moved solely by the fear of a visit of the cholera, have each appointed an officer of health for three months; Maidstone, as if to remind him that he is a tenant-at-will, at a salary of 10s. 6d. a day, Oxford at fifty guineas for three months' service, while Wolverhampton, more openhanded, rewards two months' hard labour with £50. Lincoln and Reading, on the other hand, cannily decline to commit themselves by fixing any salary at all. The meaning whereof might be interpreted in all these cases to be, that the departure of the cholera will be the signal for a retrogade movement, and a contented subsidence into their former blindfold security—and dirt. But Dr. Acland writes to me words of good and hopeful augury concerning Oxford. After mentioning various evils which call loudly for redress, *e.g.* the deficient drainage, the pollution of rivers by sewage, and the insufficient water supply, he proceeds:—

* These four gentlemen, eminent in their profession, have all held the office of Mayor in their respective towns, with the sanitary condition of which they are thoroughly conversant.

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"But all these and many other evils, such as whole streets with cesspools and wells adjoining, will now be abated. After many years' battling, public opinion is aroused, and the Sanitary Act has come just in time to clench its decisions. The Local Board has been this summer very active. Disinfectants have been largely applied in all directions during this summer by the medical officer Dr. Child, under the advice of Professor Rolleston. I make no doubt, but that in a few years, with the help of the Sanitary Act and with the co-operation of the university and the city, all that is to be desired will be effected. But it has been a tardy process here as elsewhere." All honour to those—foremost among them Drs. Acland and Rolleston—who have fought the long battle. Let us hope that the tardy victory is near, but act as if it were still far distant. So likewise in regard to Wolverhampton, respecting which I have received full and interesting details from Mr. E. J. Hayes, the able and judicious town clerk, to whom, if only he were armed with despotic powers, one would gladly see entrusted the sanitary organization of the chief town of "the black country." Nowhere are the defects of our health laws more clearly or succinctly pointed out than in his letter to Sir George Grey, dated 15th Sept., 1865, and printed nearly entire by Mr. Hole in the appendix to his work.* And with a view to the removal of the nuisances which abound in Wolverhampton, and the adoption of comprehensive measures of sanitary reform, a searching inquiry is about to be instituted (6th Oct., 1866), "through the aid of a staff of gentlemen visitors, in order to procure a 'sanitary house-to-house return' upon the important questions of overcrowding, water-supply, drainage, ventilation, and other matters." The schedule printed for the use of the visitors is so complete and so instructive a document, that I would fain avail myself of the permission spontaneously given me by Mr. Hayes, and reprint it for the guidance of those who elsewhere are endeavouring to promote the health and wellbeing of their respective neighbourhoods.

I am indebted to my friend Dr. Fleming, of Birmingham, for a copy of the *Birmingham Daily Post* (June 21, 1866), which contains a most valuable and striking article on the death-rate in the various towns of the black country, and enables me to add some information, which I had almost despaired of obtaining, regarding their sanitary condition. If this, the ninth of the series, be a sample of the other articles, I would earnestly suggest their publication in a separate form, as an important contribution to our public health literature. "Here," writes the reporter, "is the average death-rate of the several towns named, for the years 1851-60, with their mean population and gross mortality." I add another column, showing which of them have, and which have not, officers of health.

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* "Homes of the Working Classes, pp. 190, 195."

——	Officer of Health?	Population.	Deaths.	Ten Years' average Death-rate per 1,000 living.
Wolverhampton	Yes.	52,442	16,195	30·88
Dudley	No.	41,468	10,999	26·52
West Bromwich	No.	38,193	10,421	27·28
Tipton	Yes.	26,871	7,183	26·73
Walsall	No.	25,804	6,713	26·01
Bilston	No.	23,945	7,311	30·53
Willenhall	No.	21,299	5,663	26·58
Wednesbury	Yes.	18,124	4,628	25·53
Oldbury	Yes.	15,118	4,091	27·06
Darlaston	No.	12,100	3,672	30·34
England and Wales				22·24
Birmingham				24·90
These ten Towns				27·74

One or two remarks in reference to this table. There was no officer of health in Wolverhampton when this account of these towns was published; and here is the report of Oldbury:—"It is in a filthy condition—has no sewerage, keeps pigs, hugs a pestilential brook, and empties its privies into public places. *It has a medical officer of health, whom it is trying,* after a nine months' trial, *to get rid of.*" West Bromwich "has a bad supply of water, has not yet banished pigs; and *it buries its dead in the centre of the town!*" Bilston, famous in the annals of the cholera, both in 1832 and 1849, has now a death-rate "within a fraction as large as that of Wolverhampton, exceeding West Bromwich by three, Dudley by four, and all England by eight. Its lower quarters reek with abominations." "Tipton is the model town of the Black Country. It is naturally the worst situated for health in the whole district. Yet its death-rate exceeds Dudley only by a few hundredths. The reason is that it has a complete system of deep sewerage and a medical officer of health, and is wonderfully well looked after sanitarily." As regards the populations, again, the numbers, it will be seen, vary very remarkably in the different tables. Thus, in Table II, group B, the population of Wolverhampton is stated, according to the Municipal Corporations' Directory, at 63,985 in 1866; whereas it is stated by the Birmingham reporter as 52,442; and in the table from the General Register Office (Table IV.) as 126,902. This last, as explained in the *Daily Post,* "deals only with registrars' districts." What appears as Wolverhampton includes—besides the town of Wolverhampton—Bilston, Willenhall, Wombourn, Kinfare, and Tettenhall; including, doubtless, "a larger proportion of healthily than of unhealthily-housed population." It appears, however, from the small

death-rate for the five years 1860-65, in the Somerset House Table, that there has been a marked improvement during that period over the whole registration district, though, in the absence of the returns from the sub-districts, we cannot tell where that improvement has been greatest.

This writer's summary of results gives in few words a striking picture of the actual condition of this important cluster of towns. "But taking the Birmingham average (24·90) for the black country towns, and adding the three lives already arrived at," (by allowing a larger mortality for the much larger population of Birmingham,) "it would appear that ten persons in every thousand of the inhabitants of these towns, die from preventable causes. Nor is this to be wondered at, when we consider that only three of them (including Walsall) have any system of sewerage: that only a like number have a medical officer of health; that only one (Tipton) has both; and that as to one of those which have a system of sewerage (Bilston), the town is shamefully neglected. It seems a dreadful thing to contemplate that, while the black country towns are on the whole healthily situated, and while their trades are not in the main injurious to health, their death-rate should still furnish something like *five* per thousand to swell the general rate of the rural districts, which stand at something like 18." Dr. Julian Hunter mentions,* as an indication of good intentions, that "the byelaws of Dudley provide for the duties of an officer of health, should one be appointed," and that "the duties are described at considerable length." Of Swansea also he reports (p. 189) that, "they had formerly the services of an officer of health, but on his resignation some years ago, the appointment was not filled up. The services of this officer were much valued, and regret was expressed by some of the inhabitants that the office had been abolished." †

The aggregate yearly amount expended in payment of medical officers of health by the 18 towns in group B., with their 2,057,561 inhabitants is £3,612 12s. giving an average salary of £190 2s. 9d. But, as £2,350—or nearly two-thirds of the total amount—is made up of the salaries of *four* of the nineteen, there remains to be divided among the other fifteen £1,262 12s. which gives an average of £83 3s. 3d.! Or if we deduct £2,750, which represents the salaries of *six* of the nineteen, the remaining thirteen have a miserable

* Eighth Report, &c., p. 181.

† In answer to inquiries recently made, (April 1867), I find that Oxford, Reading, and Wolverhampton have all discharged their officers of health; Maidstone, I believe, has done likewise: Lincoln alone retains her medical adviser, but without a fixed salary, preferring to pay him by the job, or as they more euphoniously put it, according to work done by him! So then we have medical officers of health in 19 out of 59, or, if we add the other nine black country towns, in 22 out of 68 large towns in England, Wales, and Scotland. I find also that, owing to the illness of the gentleman who undertook the organization of a staff of visitors, the house to house visitation in Wolverhampton has been delayed, though not abandoned.

residuum of £862 12s. to be divided among them, giving to each an average salary of £66 13s. 8d. But this is not the whole truth, for the variations are much greater than in the metropolitan district. On the one hand, the good town of Aberdare is not ashamed to offer twelve guineas annually, which means five shillings a week, or eight pence halfpenny a day, for looking after the health of 35,000 inhabitants. Nor does Paisley blush to give £20, or seven shillings and eight pence of weekly pay, for attending to the sanitary interests of 48,000. On the other hand, Liverpool has shown that it appreciates and knows how to reward ability of the highest order by lately increasing Dr. Trench's salary from £750 to £1000 per annum. It would be interesting to know which of these masters is the more exacting. Most likely, judging from ordinary experience, those who reward their faithful servants with half the pay of a common day-labourer. Alongside of these beggarly allowances, let me place the following extracts as to "the duties and qualifications of officers of health," from the "Instructional Minute of the General Board of Health," dated December 20th, 1855:—

"He will make himself familiar with the natural and acquired features of the place, with the social and previous sanitary state of its population, and with all its existing provisions for health;—viz., with the levels, inclinations, soil, wells, and watersprings of the district; with its meteorological peculiarities; with the distribution of its buildings and open spaces, paved or unpaved, of its burial grounds and lay stalls; with the plan of its drains, sewers, and water-supply; with the nature of its manufacturing and other industrial establishments; with the house-accommodation of the poorer classes, and the facilities afforded them for bathing and washing; with the arrangements for the burial of the dead; and with the regulations in force for lodging-houses and slaughtering-places, for the cleansing of public ways and markets, and for the removal of domestic refuse. * * * He will invite communications relating to the sanitary wants of the district, * * * take the best means in his power to become acquainted from week to week, and, in times of severe disease, from day to day, with the deaths and sicknesses in his district; and he will inquire to what extent they have depended on removable causes. With the assistance of such officers as the Local Board may empower him to direct and superintend, he will without intermission see to the wholesomeness of his district; * * * inquire as to the cleanly, wholesome, and weatherproof condition of houses; * * * examine from time to time the drinking-waters of the place, and observe whether provisions are offered for sale in any damaged and adulterated state that is hurtful or illegal. He will occasionally visit all burial-places, * * * and will habitually observe the slaughtering-houses of the district, and other industrial establishments which are liable to emit offensive (especially animal) effluvia. He will report to the Local Board weekly, annually, and at such intervening times as may require it."

"For the proper performance of these duties, special qualifications

in science are required. These lie in pathology, including vital statistics, and in chemistry, with natural philosophy :—

"in *pathology*, because this science implies an exact study of the causes of disease in their relation to the living body,—a study of what they are, and how they act, and why they seem to vary in operation :

"in *vital statistics* (properly a section of pathology), because, by analysing the composition of various death-rates, and by learning how the pressure of particular diseases differs under different circumstances of climate, season, dwelling, age, sex, and occupation, definite standards of comparison are gained, without which the officer of health could not estimate the healthiness or unhealthiness of the population under his charge:

"in *chemistry* (including the power of microscopical observation) because without such aid there can be no accurate judgment as to impurities of air and water, dangerous impregnations of soil, or poisonous admixtures in food * * *:

"in *natural philosophy*, because many nuisances are traced, and many questions as to ventilation and over-crowding are answered by its laws; further, because by its aid the officer of health studies the atmospheric changes, and learns the climate of his district—important steps in proceeding to speak of its diseases; and finally, because natural philosophy in conjunction with chemistry renders him competent to report on many manufacturing processes alleged to be hurtful to health, and on the sufficiency of such means as are employed to reduce the evils ascribed to them."

And all these accomplishments—embracing more than half the circle of the sciences—for five shillings, or seven-and-eightpence a-week! "Admirable Crichtons," it would seem, are to be had cheap nowadays. But Aberdare and Paisley at all events allow their officers of health to engage in private practice, and, by the salaries which they give them, virtually tell them that their sanitary duties need not occupy more than a fraction of their time. It is not always thus—witness Southampton. The story of the sanitary achievements of this prosperous and rapidly-growing seaport is far too instructive to be dismissed with a passing allusion. Southampton was one of the first (having been anticipated only by Liverpool and Leicester) to appoint a medical officer of health—the office having been instituted in 1850, when that admirable and much enduring public servant, Mr. Francis Cooper, was chosen as officer of health and sanitary inspector (the latter being the genteel designation of an inspector of nuisances), with the modest yearly salary of £150. Most likely he would not have undertaken such laborious duties for so inadequate a remuneration, had he not been permitted to devote to private practice the remnants of time that were not absorbed by official engagements. If so, he was not long of discovering how incompatible with private practice was the fearless denunciation of abominations, in the maintenance of which some of his employers in the Town Council had a vested interest ; and at length, in the ruin of his practice, which might possibly have been

improved by a judicious reticence, he found how expensive it is to keep a conscience. And if at the outset. he expected that a zealous discharge of his duties would soon secure for him an increase of salary, he must have been cruelly disappointed, for it was not till he had toiled for thirteen years, that his salary was raised to £200. In the autumn of 1865, as all the world knows, Southampton was visited with "an outbreak of cholera, and" I quote Dr. Wiblin's words, "poor Cooper's great energies were taxed beyond endurance. He was called to every form of nuisance that existed in the town; he had to appear before magistrates to give evidence to prove that stinks and abominations did actually prevail, although neither he nor they could remove the most formidable and pestiferous privy abominations which abound here. Borne down by the multiplicity of his duties, and the want of support in carrying them out," he quickly succumbed to an attack of the pestilence, the further spread of which he was resolutely striving to prevent. A clear official homicide; after perpetrating which the Council met and passed a resolution of condolence, which was duly forwarded to his bereaved and sorrowing family. I have not called it a murder, for it was done in ignorance and not with intent to kill; but the ignorance was such as should be accounted criminal; and the heartless treatment that led to the untimely death of so valuable a public officer not only verifies the maxim that "corporate bodies have no conscience," but shows most strikingly the need of an efficient check on the wrongheadedness and parsimony of local authorities. The concluding sentence of Dr. Julian Hunter's report on Southampton * addresses itself to us like a voice from Francis Cooper's grave, and embodies the matured experience of a man who was worried to death in the conscientious discharge of the duties of an underpaid and thankless office. "The inconvenience," writes Dr. H., "of combining the prosecution of nuisances with private medical practice, as indeed with any private business at all, was almost daily apparent, and Mr. Cooper thought better results would be got by a combination of towns to support a medical officer who should have no other engagement, and who would be entirely free from local influences." How was the lesson improved by the Town Council?

During the prevalence of the epidemic, not only were the Sanitary Committee unbounded in their liberality, and profuse in their expenditure, both on the medical attendants and on those smitten with the pestilence, but the Mayor (Mr. Emanuel) and Mr. Alderman Stebbing were unwearied in their personal efforts, visiting from house to house during sixteen or seventeen hours of the twenty-four, administering to the wants and comforts of the sick, and solacing the inhabitants of the most suffering districts. Then came the question of appointing a successor to Mr. Cooper. It was resolved to separate the offices of Officer of Health and Inspector of Nuisances, and to advertise for a gentleman to fill the first office, who should be debarred from private

* Eighth Report of the Medical Officer of the Privy Council. Appendix, p. 184.

practice, and receive the annual salary of £150! It will scarcely be believed that the post has been accepted on these terms by a highly educated and accomplished gentleman, who is thoroughly up to his work, and discharges his duties (his detractors themselves being witnesses) with singular ability. At the same time, as if in studied and bitter mockery of the medical and other learned professions, the council appointed, as inspector of nuisances, with a salary of £100 a year, "a man without education or any special qualification, and quite independent of the officer of health." If Dr. MacCormack has no respect for himself and for the profession to which he belongs, if he courts a repetition of the insults to which he has been subjected by the Town Council, and he covets the melancholy fate of his lamented predecessor, he will retain, on its present footing, the menial office he has so injudiciously accepted. Let us note, however, that the mortality of Southampton (see Table IV.), which had increased from 23 to 24 per 1,000 between 1850 and 1861, has declined to 21 per 1,000 during the five years 1860-65. But there is no reason why, with its advantages of situation, it should not show even a lower death-rate.

Happily there is another side to the picture. There are towns scattered here and there throughout the kingdom, in which much has been done by the civic authorities to improve the public health. I need not refer to Croydon, which has been so often mentioned of late years as a model in its sanitary arrangements, except to express my surprise that it has no officer of health. Those who wish for detailed information will find it in an interesting pamphlet, in which my friend, Dr. Westall, has published the results of his ten years' experience as a member of the Local Board of Health*. Nor can I say anything of what has been accomplished in Coventry, Huddersfield, Leek, and Macclesfield, in all of which, especially in Leek, the improvement has been very palpable, as I know of no correspondent to whom I can address myself in these and in many other towns. My space forbids me to do more than supplement the statements of my table by a few brief notices of special circumstances connected with some of the towns enumerated in it.

It will be observed that only *four* towns besides Southampton have engaged officers of health for sanitary work alone. Birkenhead gives £350, Edinburgh and Leeds £500, and Liverpool £1,000 of annual salary. Birkenhead will probably find it a judicious economy to give a more liberal allowance: for though the Sanitary Committee have found, in Dr. Baylis, an able successor to Dr. Robinson made ready to their hands, they may learn, as the demand for health officers becomes greater, that Birkenhead is but a training-school for the rest of England. "In Birkenhead," writes Dr. Robinson, "the authorities delegate to their medical officer of health full power to

* "The advantages to be derived from the adoption of the Local Government Act, as exemplified in Croydon." Ridgway, London, 1865.

act according to his judgment, an advantage of no small moment; for when municipal bodies cripple and thwart their health-officer, his usefulness is seriously undermined and curtailed." I shall speak presently of Dr. Robinson's experience in Leeds.

In the city of millionaires across the Mersey, with its frightful death-rate which has attracted so much attention of late years, the officer of health is and has long been one of the most important of its public men. The respect due both to the late Dr. Duncan and to Dr. Trench for their own high qualities has been naturally enhanced by the signal services they have rendered in a town where so many of the producing causes of deadly epidemics are at work with an activity and intensity unsurpassed—if even parallelled—in any other town of the United Kingdom. The officer of health is there not only a reality, but a power in the commonwealth. I do not mean to assert that all has been done that might have been done—very far from it—or that the sanitary committee have adopted and carried out all the recommendations of Dr. Trench and his eminent predecessor, and of their zealous fellow-workers, Mr. Newlands, the borough engineer, and Mr. McGowen, the late town clerk, whose loss to Liverpool cannot but be a great gain to Bradford. But the officer of health is in Liverpool recognised by the civic authorities as their official adviser, whose opinion is asked and listened to with deference in all matters relating to the public health; and having proved himself worthy of their confidence, he has been entrusted by them with very large discretionary powers, which he has exercised with great tact and judgment in furtherance of the views of the health committee and the provisions of the sanitary Acts. The problem of the excessive death-rate of Liverpool* is one which concerns the whole nation, and which has been carefully investigated by the "mortality sub-committee," whose report, and the evidence on which it is founded, form one of the most instructive and painfully-interesting volumes that has appeared for many years. "The result of the inquiry (Report, p. ix) is the conviction, supported by a mass of evidence, that the proximate causes of the increased death-rate are intemperance, indigence, and overcrowding; these two latter being generally found in the train of intemperance, although all three act and re-act on each other as cause and effect. . . . The evidence abundantly shows that the vice (intemperance) is alarmingly prevalent among the labouring population, and that its wretched victims and their families sink rapidly into squalid poverty, resulting in overcrowding and its attendant evils. Liverpool has also this peculiarity, that it has a greater amount of unskilled labourers in proportion to its population than any other

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* In the table furnished by Dr. Farr (Table IV.), we find the following figures:—

Death Rate per 1000 living:—

	1841—50.	1851—60.	1861—65.
Liverpool	36	33	36
West Derby	26	23	26

town, for whom employment is uncertain and wages small and irregular." It should also be remembered that multitudes of its comfortable and opulent citizens reside not only out of Liverpool, but out of Lancashire, thus greatly diminishing in Liverpool the proportion of the class among whom the death-rate is smallest, and greatly lessening the death-rate of Birkenhead, Claughton, Oxton, Egremont, New Brighton, &c. I insist very strongly on these important facts, because I have been asked, with an air of triumph—What is the use of your medical officer of health, when, in spite of him, you have such a death-rate? Just so; it *is* in spite of him; but without him, thoughtful men will be disposed to inquire, might not the twenty-five years' average have been forty-five instead of thirty-five? The resolution adopted by the corporation, in accordance with the recommendations of the sub-committee, to spend £250,000 in "breaking up the masses of crowded dwellings by driving thoroughfares through and across them to let in the light and the air," and so to encourage the construction of decent dwellings for the labouring classes, shows a disposition to follow the example set on a much larger scale by the Glasgow authorities, and cannot fail to influence beneficially the health of their constituents.

Dr. Littlejohn occupies in Edinburgh a position exactly corresponding to that of Dr. Trench in Liverpool, and meets with hearty co-operation on the part of the authorities in all his endeavours to improve the sanitary condition of the city, the deathrate of which was in 1859 as low as 21·09, and in 1862 as high as 26·65, the average for five years being 24·15 per 1,000. The advantage of having officers of health set apart exclusively for sanitary work is very manifest in the reports of Dr. Trench and Dr. Littlejohn, which embrace not only the chief causes of excessive mortality, but the death-rate of different ages, seasons, districts, and even streets, indicating the chief haunts of so-called "zymotic" diseases and the measures most likely to be useful in lessening the preventable mortality. It is quite clear that very few gentlemen largely engaged in private practice can command the leisure necessary for fully recording their sanitary experience, and deducing the lessons to be derived therefrom. In his paper "On the Cleansing Operations of Edinburgh," read before this Association in 1863,* Dr. Littlejohn gives an interesting account of the system which has been in use since 1839, for the immediate removal of all solid refuse, not only from the streets but from all the houses. The inspector of cleansing has under him eight district overseers or assistant inspectors, and 135 scavengers, each of whom has his own beat. The old town and the poorer districts of the new are visited twice, but the greater portion of the new town only once a day; so that "all accumulations of filth are thus prevented for a longer period than a few hours, and the refuse thus collected is sold as manure, so as to yield a revenue to

* *Transactions*, 1863, p. 518.

the city." "This mode of cleansing, which needs only the simplest machinery, puts £7,000 per annum into the local treasury," and "from a report presented to the Town Council in 1859, it appears that from Whitsunday 1839 to Whitsunday 1859—a period of twenty years—830,000 tons of solid refuse were collected from the streets and sold for £158,000."

Those who have perused my quotations regarding the condition of Leeds do not need to be informed that Dr. Robinson, in repairing thither from Birkenhead, undertook a task of no ordinary magnitude; and most men would have recoiled from the prospect of grappling with unparellelled privy abominations, piggeries by hundreds, noisome slaughter-houses, the gigantic smoke nuisance, and an average death-rate of 30 in the 1,000. The work has been bravely begun, and the incidents of the struggle will be historic. The long-denounced piggeries were selected as the battle-ground, and Leeds was for some time convulsed with the mighty strife! We have all heard of "learned pigs," but it was reserved for the West Riding of Yorkshire to bring to light in 1866 the new portent of political pigs. Thoroughly alarmed by the decisive blow aimed by Dr. Robinson at their vested rights, the pig-owners of Leeds, with the double view of averting their impending fate, and of turning the tables upon their adversary, formed themselves into a "Pig Protection Society," summoned indignation ward-meetings—at some of which members of the Town Council declaimed in favour of this form of liberty of the subject—and commenced an active canvass for the purpose of turning out from the council all who would not pledge themselves to vote for the dismissal of Dr. Robinson. And when the case came before the sitting magistrates, there was not wanting high medical testimony in favour of the salubrity of pigstyes, for my friend Mr. Nunneley "defied any person to say that the pig was worse than any other animal, and he believed that if it was kept clean it was no greater nuisance than a man. He kept a pig upon his own midden for sanitary purposes, and if anybody would try the experiment, they would find it to be a benefit, as he did." After this opinion—backed by that of Mr. Jessop, who considered that the effluvia from a pig were not more injurious than those from a human being—little wonder that another witness reached the climax by declaring that, after three years' experience, "he believed the effluvia to be more beneficial than otherwise!" Nevertheless, the magistrates, after a second hearing, found that pigs could not be kept in a town without being a nuisance, and a source of injury to the public health, and ordered their removal. The Recorder, however, before whom the cases were brought by appeal, gave an order, not for the eviction of the pigs, but for the daily removal of the manure, for the full enforcement of which a separate inspector would be required for every pigsty. Still the result has been the extermination of many from objectionable localities, and a great improvement in those which remain. Thus far "the crusade against the pigs."

In three particulars the officers of health in Leicester, Bristol,

and Glasgow agree. They are not required to give up the whole of their time to their sanitary duties; they are all zealous, able, and thoroughly efficient; and they all receive miserably inadequate salaries. Mr. Moore, who has served Leicester faithfully and well for above seventeen years, has £100, and Mr. Davies and Professor Gairdner have each £200 a year. But the authorities, if they pay their officers shabbily, give them their confidence and support in the execution of their arduous and often invidious functions. Mr. Davies holds his appointment, which is a temporary one, under the Town Council as the Board of Health for Bristol, and was chosen by its health committee, who call him their "medical inspector," as they "object to the appointment of a medical officer under the Act." So thorough is the confidence reposed in him, that he has received no instructions, and is allowed to do his work in his own way; any point requiring a professional opinion is referred to him; and the magistrates shew every disposition to forward the views of the health committee and their officer, when proceedings are taken. That these have been often instituted since Mr. Davies's appointment, during the epidemic of typhus in February 1865, will appear from the following instructive extract. "A temporary fever hospital having been erected by voluntary contributions, I insisted on the removal of every typhus patient, or his isolation in such a manner as not to be dangerous to the health of others. All infected rooms were fumigated with chlorine by men under my direction. All infected clothing was destroyed. All privies in the infected district were flushed and disinfected with chloride of lime. New privies ordered to be erected where necessary, only two houses being allowed to use one privy. Every person removing from an infected house was watched for a considerable period. In three months typhus in its epidemic form was eradicated. It was originally introduced here from Ireland in April, 1864. All defective drains were remedied, dirty houses informed against, and cleansed at the expense of the landlords. All pigs that we could find were removed from the city by notice, or where necessary by proceedings before the magistrates. Cases of overcrowding were reported. Nuisances arising from manufactories where injurious to health have been proceeded against, but *much remains* to be done under this head." Mr. Davies's italics shew that on this point he is at one with a writer in the *Quarterly Journal of Science* for October 1866, though he justly complains of the selection (in an article in the number for July) of the mortality returns for a single week in March, when, owing to the extensive prevalence of measles, whooping-cough, and capillary bronchitis, the death-rate of Bristol rose to 40 in the 1,000: a sensational artifice unworthy of a writer in a scientific journal. The truth is, as the writer admits in his October article, that while the death-rate of some very poor and overcrowded localities in the Hotwell Road and the neighbourhood of the basins is high, that of Bristol generally is very moderate, while Clifton is often as low as 6 or 7 in the 1,000. It will be seen from Table IV. that Bristol is one of those towns which exhibit a steadily

decreasing death-rate during the last 25 years, while that of Clifton is rather on the increase.

Still, beyond a doubt, Bristol neither looks nor smells wholesome. The odours that greet the stranger on his arrival, or while walking the streets, from all sorts of factories, but especially from slaughter-houses, tanneries, bone-boiling and tallow-chandlers' establishments, and from the fœtid waters of the floating harbour, give evidence the reverse of welcome how much room there is for improvement. Mr. Davies does his part by keeping a daily journal of his own work, which is read every week to the health committee; and by meeting his inspectors every morning to receive their reports and give his instructions. What he has done for the prevention of the spread of cholera, and with what signal success, is well known in Bristol through the public prints, and by the rest of the world through the deeply interesting article of Dr. W. Budd on "The Asiatic Cholera in Bristol in 1866."* Those who know how abundant are his labours and how great his expenditure of time, will more than share his doubts whether he—though assuredly Bristol—is a gainer by his tenure of office on the present terms. His fellow-workers of "The Sanitary Mission," Mrs. Norris and her companions, of whose unwearied exertions during the presence of the cholera he has sent me—and Dr. Budd has also given—a most interesting account, deserve the warmest thanks of their fellow-citizens, and the imitation of others throughout the country.

It is pleasing to know that in Glasgow a similar spirit manifested itself, and under the guidance of Dr. Gairdner has been turned to good account, in prospect of a visit of the cholera, and that hundreds have offered themselves for the work of house to house visitation. Glasgow differs from all the other towns of which I have spoken, in having one principal medical officer of health, and under him four district medical officers (one of whom is surgeon to the police force) as medical assistants or inspectors, who do not receive fixed salaries, but are paid according to the services required of them. Dr. Gairdner informs me that this arrangement answers well, as these gentlemen have an intimate knowledge of the diseases prevalent, and especially of the fever haunts, in the districts of which they have the oversight. Their employment under the health officer is a happy instance of the adaptation of a useful agency, which had been long in existence, to our modern sanitary requirements. Dr. Gairdner, occupying as he does a position of great eminence among scientific men, is naturally consulted and listened to with great deference by the enlightened authorities of the commercial metropolis in Scotland, and may almost be said to wield at will its great resources for the reduction of its very high death-rate; for the eradication, if that be possible, of the endemic typhus, which so often bursts into sweeping epidemics that carry off thousands of yearly victims; and for the radical reform of the loath-

* *British Medical Journal*, April 13, 1867.

some wynds and vennals where that indigenous pestilence is bred and perpetuated. For the purpose of improving out of existence these proverbial plague-spots, the authorities have obtained an Act of Parliament,* which "extends over ten years," and enables them to expend £1,250,000 in the purchase of bad property, after the removal of which the ground will be disposed of and new buildings erected, under the admirable provisions of the Police and Improvement Act. An example worthy of imitation by Manchester and other large towns, where the accommodation for multitudes of the labouring-classes is of the worst description. The account drawn up by Dr. Gairdner † of the visit he paid, along with the Lord Provost, Baillie Raeburn, and Mr. Carrick to Paris, in June 1866, is full of interesting and suggestive materials bearing on the reconstruction and proper regulation of large towns. Another document of great public interest, and a most important contribution to our "fever literature," is the Report, ‡ by Dr. Russell, of the City Fever Hospital, which was constructed on the most approved plan under the eye of Dr. Gairdner. It embraces many valuable suggestions on diet, nursing, construction, arrangement and ventilation of hospital buildings, treatment of patients, and management of convalescents, besides a thorough analysis of the statistical results. The growing filthiness of the noble river, which is one of the great sources of the wealth of Glasgow, is a standing menace to the health and lives of the vast and rapidly increasing population that lines its banks, and an offensive nuisance for many miles of its seaward course.

Dr. Julian Hunter, in his report on Cardiff, § remarks that "Dr. Paine has the confidence both of the poor people and of the bench of magistrates, so much that the first seldom require anything more than his advice to move them to whatever is necessary, and the latter are disposed to accept his opinion as conclusive on all health matters which come before them." This wise and prudent counsellor has received £40 a year (in all £520) for the invaluable services he has rendered to the 33,000 inhabitants of Cardiff since 1853. Dr. Davies, (Newport,) is paid, as he justly remarks, "less than any inspector of nuisances," and for the miserable salary of £50 he visits overcrowded houses and lodging-houses, examines unwholesome food and meat, "gives medical attendance to the police, and attends to the ordinary duties very much to the satisfaction of thet auhorities."‖ Mr. Dyke has commenced his duties with exemplary ability and zeal, for £60 a

* Glasgow City Improvement Act.

† Notes of Personal Observations and Inquiry in June, 1866, on the City Improvements of Paris, &c. Presented to the Magistrates, &c., of the City of Glasgow, 2nd October, 1866.

‡ Report of the City of Glasgow Fever Hospital, from 25th April, 1865, to 30th April, 1866. By Dr. James B. Russell, Physician and Superintendent. Presented to the Magistrates' Committee of the Board of Police, by Dr. Gairdner, and ordered to be printed, 16th August, 1866.

§ Eighth Report, &c., p. 128.

‖ Eighth Report, &c., p. 158.

year. Mr. Barter's services are valued by the corporation of Bat at £25 more than those of the borough inspector; and Mr. Fairbank, after two years of conscientious and very efficient labour, finds that his practice has suffered by his accepting the appointment of officer of health for Doncaster.

Have I not adduced sufficient evidence to establish the necessity of a government check on the appointment, remuneration, and dismissal of officers of health, and the expediency, both for their own interests and for those of the public, of making them independent alike of local caprice and of private practice? But if the need of a central authority to regulate the action of not a few of those who have availed themselves of the permission to institute that office be great, how much greater the need of legislative interference to enjoin the appointment of health officers on those who construe the Act as giving permission *not* to appoint them. Fully alive as I am to the force of Mr. Rumsey's arguments* against having officers of health for small districts, and to the difficulties in the way of a satisfactory adjustment of many small towns and country districts with scattered populations, I cannot see that either the arguments or the difficulties apply to towns with populations of 30,000 and upwards. I do not see why parliament should not at once empower the Privy Council to enjoin their appointment in all such cases, reserving for future decision the question of enlarging the districts by including outlying smaller towns, or neighbouring country parishes, where such a measure might seem desirable. In many cases the registration districts might be at once adopted; and the longer I consider the subject, the more am I inclined to accept Mr. Rumsey's suggestion, that "registration districts are the best areas for local sanitary administration," as promising the most satisfactory solution of this difficult problem.

Of the 36 towns which have no officers of health (Table III.), in only 11 is the population under 30,000, while in 25 it ranges from 31,000 to above 380,000, thus:—

Under 20,000	6
Above 20,000 and under 30,000	5
„ 30,000 „ 50,000	10
„ 50,000 „ 100,000	7
„ 100,000 „ 200,000	5
„ 200,000	3
	36

Birmingham and Manchester being two of the last three, with populations respectively of 338,868 and 380,887. In Aberdeen "a medical officer of health should have been appointed some time ago, with a salary of £200 a year, but from some differences between the

* "Comments on the Sanitary Act, 1866," &c. Reprinted from Journal of *Social Science* for October, 1866.

rains having kept our drains and water courses free from filth. It is contemplated to keep our sewage out of our rivers." A reference to Table IV, shows a steadily increasing death-rate in Sheffield

ts on the Sanitary Act, 1866," &c. Reprinted from Journal of
or October, 1866.

candidates it has been postponed, Dr. Ogston being temporarily appointed." In Birmingham, the assistance of the able borough analyst (Dr. Alfred Hill) is occasionally called in by the Borough Inspection Committee. In Cambridge, the appointment of a health officer has been strongly urged on the sanitary committee, but the proposition did not meet with favour. In Cheltenham, the appointment has been negatived, chiefly on the plea that it would frighten the public. As regards Derby, Dr. Ogle thinks "that perhaps the sort of work that is already being done (house to house visitation and isolation of infectious cases) is as much as the people would submit to, and that it is almost better not to have a health officer until the public feel the necessity more, and would be willing to pay him better. Looking ahead to the time when such officers will be considered at least as necessary to the public *body* as a solicitor is to protect the public *property*, would it not be well that such a one should be the registrar, and the vaccinator" (*query*, the inspector of vaccination?), "and that returns of disease, at any rate from parochial medical officers, should be sent to him?" Devonport has "only just (October, 1866) accepted the Local Government Act, many of the most important provisions of which will no doubt be enforced in the course of the next twelvemonth." In Exeter, fears are expressed—and probably with justice if he were entirely dependent on the local authorities—that he would be under the pressure of the trading classes. In Gloucester, "local prejudices prove too great obstacles." In Hull, some of the parochial medical officers are occasionally employed by the guardians as medical inspectors of nuisances; but there is no proper sanitary organization of the town, which seems (from Table IV.) to be losing the high reputation it gained under the enlightened and active mayoralty of Mr. (now Sir Henry) Cooper, as the death-rate has risen during the last five years, in Hull from 25 to 26, and in Sculcoates from 22 to 24. The authorities in Manchester not only doggedly resist, but actively oppose the appointment of a health officer, and the adoption of other measures calculated to improve the sanitary state of the town. In Northampton, "the matter has been urged on the town authorities, but owing to a false economy nothing has been done." In Nottingham, the inspector, who is a valuable officer and does his work well, naturally considers and represents as needless an officer whose appointment would render his position less important, and diminish his salary. "The town council," writes Dr. Hall (September 25, 1866), "of a town like Sheffield, with 210,000 inhabitants, not having appointed an officer of health is matter of regret. All large towns ought to be obliged to appoint such an officer. Sheffield has not been so healthy for years as during the last four months. The death-rate has been (on an average each month) abont 22 to 24 to each 1000, instead of 32 to 34, as it was last year. I attribute this in a great measure to the constant heavy rains having kept our drains and water courses free from filth. It is contemplated to keep our sewage out of our rivers." A reference to Table IV, shows a steadily increasing death-rate in Sheffield

itself, and for Ecclesale Bierlow, a recent decrease from 23 to 21 per 1000. In Tynemouth the authorities "have been deterred by the expense," and in York, "the corporation have long been talking of appointing a medical officer of health, but have made talking serve." With such a situation and great capabilities of improvement, the death-rate of York should not exceed 19 or 20 in the 1000. Mr. Husband, after referring to the Leeds pig battle, asks the pertinent question, "Does not this shew that the medical officer of health should be appointed by Government, and be thus independent of the ratepayers who court the nuisances?" I have reserved Stafford till the last, for the purpose of giving the subjoined companion pictures, in illustration of its sanitary progress.

STAFFORD IN 1849.

"In that town, as I learn through the kindness of Dr. Harland, there is not a single sewer, and the liquid refuse from the houses runs down the channels on each side of the streets. It is common at the poorer houses to have holes dug in the ground to allow the waste and refuse water and drain into it. The town is built on a bed of sand, and water is everywhere found at 8 to 10 feet below the surface, and the whole of the inhabitants have pumps convenient to their dwellings. Dr. Harland says he has no doubt that in many cases the refuse liquid must percolate through the sand and get into the pump water, and he has known some instances in which the filthy surface-water was allowed to get into the wells." Dr. Snow, *Med. Gazette*, N. S., vol. ix. 1849. p. 926.

STAFFORD IN 1866.

"The sanitary condition of Stafford is so little thought of, and all the arrangements connected therewith are so primitive and imperfect, that, without referring to any one else, I can give you all the information you seek for. First, there is no officer of health, and only one inspector of nuisances. Until very recently, this officer was a policeman; *now*, a man who is a cooper and collector of rates is employed, and he is said to discharge his duties in a very inefficient manner. The drainage is all on the surface, and the odour therefrom, at times, disgustingly offensive. The water supply of the whole town is obtained from wells, many of them in close proximity to receptacles of filth; and I am in the habit of saying, partly in joke, but principally in earnest, that the persons living at No. 6 drink the water that is *made* at No. 7."

As regards the lessons to be drawn from Table IV., I cannot enter on the deeply interesting subject of the relation between death-rate and density of population. With the materials before them, many of my readers will doubtless pursue that investigation for themselves. I can but present in the most striking and compendious form, as in the following triple list, the answer to the question, what progress has been made during the last quarter of a century?

In 18 districts, then, out of 58 included in Table IV., we have a decreasing death-rate. In eight, viz., Bristol, Cheltenham, Newport, Oxford, Plymouth, East Stonehouse, Stoke, and Portsea, the diminution, which is notable, has been going on over the whole period; while in ten it has taken place only during the last five years, having previously been either stationary or increasing. Four in the second column, viz., Aston (Birmingham), Maidstone, Newcastle, and York, have maintained throughout uniform average death-rates respectively of 21, 23, 27, and 24 in the 1,000. In eleven, though less than in

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DEATH RATE.

Decreasing in 18 Districts, viz.:—	Stationary in 20 Districts, viz.:—	Increasing in 20 Districts, viz.;—
Bristol.	*Aston.*	Clifton.
Cardiff.	** Bath.	Cambridge.
Cheltenham.	Birmingham.	Chester.
Chichester.	* Bradford.	Gloucester.
Derby.	* Brighton.	Grimsby.
Gateshead.	** Canterbury.	Halifax.
Merthyr Tydfil.	** Carlisle.	Hastings.
Newport (Monmouth.)	* Doncaster.	Headington.
Nottingham.	** Exeter.	Hull and Sculcoates.
Oxford.	** Hereford.	Leeds.
Plymouth. East Stonehouse. Stoke Damerel.	** King's Lynn.	Leicester.
Portsea Island.	*Maidstone.*	Lincoln.
Ecclesale Bierlow.	** Manchester.	Liverpool and West Derby.
Southampton.	*Newcastle-on-Tyne.*	Northampton.
Sunderland.	Norwich.	Sheffield.
Wolverhampton.	** Reading.	South Shields.
	** Salford.	Stafford.
	** Shrewsbury.	Worcester.
	** Tynemouth.	
	York.	

* Higher than in 1841–50, since which stationary.
** Lower than in 1841-50, since which stationary.
Those in *Italics* have been absolutely stationary since 1841.

the first ten, it has been stationary during the last fifteen years, at such rates as 21 (Hereford), 22 (Bath, King's Lynn, and Reading), 23 (Canterbury, Carlisle, and Tynemouth), 24 (Exeter), 25 (Shrewsbury), 26 (Salford), and 31 (Manchester); while in three, the death-rate of the last fifteen is higher than that of the first ten years. In four of the third column, viz., Grimsby, Halifax, Northampton, and Sheffield, the death-rate has been steadily increasing over the whole period; while in the remaining sixteen the rise has taken place (in Leicester, Liverpool, and West Derby to a notable extent,) during the last five years.

The general result, then, appears to be that in 18 out of 58 populous registration districts in England and Wales, the mortality is decreasing, while in 49 it is either stationary (in most cases at needlessly high rates) or increasing. But it must always be borne in mind that the mortality of the registration districts does not give us that of the sub-districts. In some instances, as in the case of Wolverhampton, already referred to, it may be too low; in others, as in the case of Clifton, which is made responsible for the high mortality of "some of the poorest and densest portions of Bristol,"* much too

* Dr. Edward Wilson's "Sanitary Statistics of Cheltenham," p. 45; also "The Sanitary Statistics of Clifton," by J. A. Symonds, M.D., F.R.S.E., *Transactions of British Association, &c.*, for 1864, p. 176.

high. One great advantage likely to flow from the appointment of highly qualified medical officers of health in all districts, rural as well as urban, would be the increased accuracy of our information in regard not only to the mortality, but to the diseases, both of districts and sub-districts throughout the country.

After the observations I made on the subject of inspection of nuisances in the Metropolitan districts, my remarks on Tables III. and V. shall be brief. The twenty-three towns in Table II. (to which Table V. is supplementary), with temporary or permanent officers of health, and an aggregate population of 2,220,407, we have 103 ordinary inspectors or sub-inspectors, *i.e.* on an average one to 21,557 inhabitants. But if we deduct Leeds and Liverpool, their joint population of 710,085, and their staffs of inspectors amounting to 63, there remain only 40 for the other 21 towns, which have a population of 1,510,322, *i.e.* one inspector to 37,758; while Leeds has one to every 10,818, and Liverpool one to 11,498 inhabitants, exclusive of meat and common lodging-house inspectors. We must also remember that in Edinburgh, Glasgow, and Dundee, not only are there special market, slaughter-house and lodging-house inspectors, but the services of the police force, with all the local knowledge they possess, are at the command of the health officer and his men, when necessary. In all, except *six* of these towns, the inspection is reported as being either "efficient" or "very efficient," considering the small number generally employed, and the other duties which too often occupy their time and distract their attention from their sanitary work. In Bristol, for instance, Mr. Davies writes :—"I meet all the inspectors every morning at the office at 11 a.m. Through them I am daily informed of the state of the general health, &c., &c. They are taken as a rule from the detective constables, who are favourably known to the Watch Committee, many of whom are on the committee of the Board of Health. The only qualifications are ability to write a good hand, and a character for general shrewdness and integrity. They are all very able men, and know every body and everything in the city within their duties; and so sharp that nothing escapes them. Being experienced detectives, each has his circle of informants. They work excessively hard, and are not numerous enough."

In the 36 towns in Table III., with an aggregate population of 2,601,165, (or deducting Salford, about which I have been unable to obtain any information, 2,489,760), there are 59 inspectors of nuisances, *i.e.* one to 42,200 inhabitants. I am aware that there is one inspector-in-chief for Manchester, but do not in the least know (though I have made repeated attempts to discover) the number of his staff of sub-inspectors. Rumour asserts that they are very far from efficient, and that nuisances of the most noisome kind are fostered, instead of being summarily put down, by the corporation. But we know from their admirable reports, that the members of the Sanitary Association have voluntarily and gratuitously carried out for many years, both in Manchester and Salford, a system of inspection and a registration of disease and mortality, of unrivalled excellence—an example which

a single room, six, eight, or ten beds, about two feet apart, contained

ıd mortality, of unrivalled excellence—an example which

ought to stimulate the authorities to a wholesome rivalry, but which seems rather to impress them with the idea that they are thereby relieved from all responsibility. If so, they need to be reminded, that to possess such information as is regularly furnished to them by the Sanitary Association, and not to act upon it, is to incur the responsibility and the guilt of wholesale homicide. If we allow 8 inspectors for Manchester and Salford, we shall then have 67 for the entire population of the 36 towns, *i.e.* one to 38,823 inhabitants. The metropolitan average, which we considered exceedingly defective, is one to 29,100. In 14 of the 36 the inspection is reported efficient, in four tolerably so, in nine doubtful or more than doubtful, and in four decidedly bad. It will be observed that, as in the metropolis, some of the inspectors have other duties to attend to, so that the inspection of nuisances is nearly or altogether nominal. Another point which calls for remark is the frequent employment of the police as sanitary inspectors. It is one thing to select men from the police force for their shrewdness, tact, and local knowledge, and to set them apart for sanitary work alone; and quite another to make the inspection of nuisances a department of police. In the former plan, the one object in view is thoroughly efficient sanitary inspection by men highly qualified, and well remunerated, for that special work; while the chief recommendation of the latter is probably the saving of expense. The services of the police are as a general rule underpaid, and their duties are sufficiently burthensome without the addition of a task which requires for its satisfactory performance the undivided energies of a separate staff. Besides, it is worthy of consideration, whether the identification of sanitary improvement with the force which is chiefly occupied in the prevention and repression of crime, is not calculated to prejudice the minds of many against the health-measures they are employed to put in execution.

The inspection of lodging-houses I have described in some instances (*e.g.*, Bristol and Bradford) as "indulgent." By this phrase I mean that, owing to the great want of proper accommodation for the labouring-classes the authorities are reluctantly compelled to refrain from instituting proceedings against over-crowding, for fear—or rather from the certainty—of increasing the mischief in other quarters. I can do little more than indicate the evil, which, not in Bristol and Bradford only, but in the metropolis and in most of our large towns, is one of the chief hindrances to any effectual amelioration of the sanitary condition of the masses. In Manchester, the state of many of the registered lodging-houses is positively loathsome. One night, about ten o'clock, I sallied forth with several friends, under the protection of two police officers, and after spending nearly an hour in visiting the low public-houses, and mingling in the crowds of sots and desperadoes that filled them, we devoted a couple of hours to an inspection of a considerable number of lodging-houses. In all of them the atmosphere was foul and stifling, and in many the floors were so encrusted with dirt, that they seemed not to have been washed for months. In a single room, six, eight, or ten beds, about two feet apart, contained

as many couples, some of them of both sexes, and not unfrequently a close examination detected one or two little heads protruding from the foot of a bed, the rest of which was occupied by the parents. Some of the children—those, probably, who had not long breathed the polluted atmosphere of these dwellings—looked plump and fairly healthy; but we saw others vainly trying to extract sufficient nourishment from the shrivelled breasts of half-tipsy mothers, while their ghostlike frames, and weird, haggard looks that made one shudder, told a sickening tale of slow starvation, and of long years of suffering crowded into their few months of existence. In the dim light we often stumbled over heaps of ragged garments swarming with all sorts of vermin, and found that in these police-inspected haunts, where water was as scarce as air, the personal filth was in perfect keeping with the moral pollution of the migratory inmates. One other picture I extract from a deeply interesting report (sent to me by Dr. Marshall) on "Workmen's Houses in Greenock." The following is a summary of a table of sanitary statistics obtained from a house to house visitation, conducted by working men in 1863. "Thirty-two persons are living in apartments having less than 50 cubic feet of air! A supply so scanty, that it is difficult to understand how suffocation does not follow. 542 persons have less than 100 cubic feet. 1,179 persons have under 150 cubic feet. 3,437 persons have under 450 cubic feet, living and sleeping in a condition actually dangerous to life. But the result by far the most appalling is this, that out of 3,749 persons whose cases have been examined, not a small proportion, not a-half, but *the whole*, with the insignificant deduction of 57 individuals, are living and sleeping in habitations in which health cannot be maintained, and in a state the inevitable result of which must be that the springs of life must dry up, and may perhaps entirely fail. This is not the worst of it. Seven hundred cubic feet of air is enough for a grown person, if it be pure; but if it has wandered into the room from between the high gables of back lands (*i.e.* tenements)—if it have passed over noxious ashpits, and over courts and entries destitute of sewerage; if it be already poisoned before it has filtered into the deadly crowded sleeping places, how much is the evil aggravated? Now, it is to be remembered that this is not the picture of the worst parts of Greenock, of dens of misery to which the rest of the dwellings form a contrast; but it is the worst and the best taken together, where working men dwell. It is a faithful picture of how the working men in Greenock live. All the more trustworthy that it is drawn by themselves. . . All that has been said relates to physical health. What is to be said as to moral health, when the overcrowded dwellings do not admit of even a separation between the sexes?" The corrected death-rate was 39·0 in 1863, and 38·0 in 1864, as stated by Dr. Buchanan,* to whose admirable "Report on Epidemic Typhus at

* "Eighth Report of the Medical Officer of the Privy Council." Appendix p. 225.

Greenock" I refer those who desire further information, as to the condition of this populous and thriving seaport of the West of Scotland.

If we multiply by the hundred these two dark but faithful pictures we shall have some faint idea of the extent to which overcrowding and its accompaniments of indecency, immorality, and disease prevail throughout the kingdom, many rural districts rivalling in unwholesomeness, both physical and moral, the worst parts of our crowded cities, regarding which Mr. Hole makes the following just remarks: * "The statements are not true of one, or of a few large towns, but of all. Whenever the sanitary state of any place comes to be investigated, the same revelations appear. Whether in the large towns of England, Scotland, or Ireland—such as Liverpool, Birmingham, Leeds, Glasgow, Edinburgh, or Dublin—there is the same complaint of overcrowding among large portions of the population, the same mingling of the sexes in one common room, where sleeping, cooking, eating, washing, have all to be performed, the same shutting up of the population in courts and back streets, and the same recklessness of human health and of all that ennobles life and makes it worth having. And the evil, far from being stationary, is yearly increasing." "I could tell you much," writes Mr. Davies from Bristol, "concerning the evils of overcrowding on the morals of the poor, and the re-action of this on the classes above; on the unchastity and incest which arise from it; on the established fact that sound morals have their physical conditions as well as sound bodily health; on the alarming extent of infanticide; on the increase of prostitution; on the growing materialism and separation of classes in large towns; on the evils arising from new modes of trade, &c., &c. By so doing, I should tire both you and myself, for the subject is anything but an inviting one." In Carlisle, the accommodation is "very varied—some very bad, but not nearly so much so as in many of the larger towns." In Chester, "the lodgings are chiefly small and in closely confined districts; they are under the Lodging House Act of 1851; there has been no attempt to start model lodging-houses. The inspector is now re-adjusting the numbers allowed by the Act, so as to reduce their overcrowded state. He proposes to have a minimum allowance of 300 cubic feet for each adult." In Doncaster, "houses are scarce and dear, and lodging accommodation bad and deficient." In Dundee, "very deficient, as in all manufacturing towns." In King's Lynn, "there is an abundance of small tenements at very moderate rents, but as a rule they are too crowded, and ill-ventilated, and not well cared for in the matter of privies." In Leeds, where, as we have seen, the system of back to back houses, and the want of privy accommodation have long been among the leading nuisances complained of, "the question of overcrowding is one difficult to deal

* "Homes of the Working Classes," p. 22. *See* also "The Danger of Deterioration of Race," &c., by John Edward Morgan, M.A., M.D., Oxon; *Transactions*, 1865, p. 427.

with until house accommodation is provided on a more extensive scale than at present. There are a few model lodging-houses of which the working classes avail themselves." In Liverpool, "the lodging-houses, like the ordinary dwellings of the working-classes are, as a rule, very badly constructed. There are only four model lodgings in the town, and these are only capable of accommodating 429 lodgers. The number of registered lodging-houses of all descriptions amounts to 1,250. There are one chief and four sub-inspectors of lodging-houses. Besides the inspectors of lodging-houses, there are four inspectors to discover cases of overcrowding in houses not registered as lodging-houses; they are called inspectors of sub-let houses. During the last year the convictions were, for—

"Overcrowding	25
"Mixing Sexes	14
"Not Registering	27
"Not Exhibiting Tickets	7
"Not Applying for Tickets	4
"Not Washing Floors	12
"Not Sweeping Floors	28
"Not Lime-washing Rooms	7
	"124."

In Maidstone, "during the hop-picking, immense numbers of the lowest population from London resort here and to the district in general, and are packed closely together. At times they suffer fearfully from cholera and other diseases. They are better looked after than they formerly were, and no time is lost in remitting them to their homes when their work is done." In Merthyr Tydfil, "as a rule, overcrowding takes place among the Irish; otherwise rare among the Welsh. Number of lodgers in Welsh cottages two, *i.e.* one bed." Newcastle, as fully detailed in Dr. Julian Hunter's report,* "contains a sample of the finest tribe of our countrymen, often sunk by external circumstances of house and street into an almost savage degradation." The lodging accommodation is very deficient, and in certain localities, especially near large manufactories, they are at a premium, and sub-letting is resorted to in order to reduce excessive rents. Newport (Monmouth) is "very much overcrowded; the accommodation for the existing population is quite inadequate. Eighteen prosecutions were instituted last year for overcrowding, owing to which we suffered," writes Dr. Davies, "from an epidemic, or rather endemic of typhus, which caused 110 deaths; and if Christison's estimate of the mortality from typhus (viz. 1 in 10) be correct, it must have attacked 1,100 people. The 35th section of the Sanitary Act, 1866, has just been adopted in the town at my advice; but much good cannot be done till more houses are

* Eighth Report of Medical Officer of Privy Council, pp. 50, 145, 157.

built for the working classes. To work this section on anything like a large scale would necessitate turning out half our population into the streets. All, therefore, that can now be done is to select some of the worst fever nests, and endeavour to diminish the overcrowding of them. Owing to the difficulty of obtaining land for building, and the high ground-rents demanded, there seems to be no inducement for speculators to build more workmens' houses, which is our greatest want at present." In Northampton there is "a great deal of overcrowding, and in villages, three beds frequently in a room." In Norwich, "the working classes live principally in small cottages, or old tenements, and in rooms; many of the latter are let ready-furnished. A large number of these dwelling-places are *Corporation property, and are of a very inferior description.* The new dwellings recently built and in course of erection on the outskirts of the town are much better. There are only six registered common lodging-houses in Norwich, but there are 613 public-houses (besides beer-houses), nearly all of which receive lodgers, on account of the small number of the registered houses." In Portsmouth, "lodging accommodation for the working classes is very bad; in some other parts of the borough fairly good; but vast numbers of small houses have been built in all parts without any due regard to the making and lighting of streets, paving, or drainage; and many parts of the borough are in a disgraceful condition." In Sheffield, most of the artizans "have a house of their own, and those who live in the suburbs have frequently a garden. The average number of inmates to each house is rather more than five, and many of these dwellings either front the street, or open into moderately-sized yards. There is probably less of the confined alley and narrow *cul-de-sac* in Sheffield than in many manufacturing towns. A good deal has been done of late years to the sewers and surface drains of the town, but still much requires to be done to improve the sanitary condition of the inhabitants. The working classes appear but little aware that they have a duty to perform as well as the authorities," and "do what the authorities may, their efforts will be far from successful, if a nidus of morbific effluvia be permitted to remain in almost every part of the confined courts in which the houses of some of our artizans are placed, and who, on opening their windows with the forlorn hope of purifying their small habitations with the breezes of summer, get instead a mixture of gases from dunghills, ashpits, and night-soil—or what is even worse, because more insidious, from earth which has become impregnated with organic matter imbibed long before, and which now, though comparatively clean and dry, emits a poisonous vapour." * In South Shields "accommodation is difficult to get, old houses and alleys are consequently overcrowded; proceedings rarely taken, though much needed." In the old part of Sunderland accommodation is very limited—"back to back in

* "The Effects of Sheffield Trades on Life and Health," &c., by John Charles Hall, M D., *Transactions*, 1865, p. 384.

hundreds of instances," says Dr. Julian Hunter, "so arranged that no out-door place could be found where even the public could build privies." In the remaining part of the borough, however, the dwellings are very good. Proceedings have been taken against several parties for overcrowding during the two years preceding Midsummer, 1866.

Mr. Hole gives a most interesting account of what has been and is being done to remedy this alarming defect in our social economy. But while he does justice to the efforts of my old and much valued friends, Mr. Henry Roberts and the Rev. Dr. Begg, I miss from among the names of those he has mentioned as the pioneers of this great national enterprise, the late Rev. Dr. Gilly, of Norham, who nearly thirty years ago, if I mistake not, first drew public attention to the evils of the "bothy" system in the northern counties of England; and the Rev. Charles (now Canon) Girdlestone, whose "Letters on the Unhealthy Condition of the Lower Class of Dwellings, especially in Large Towns," published in 1845, did much to make known the results of the inquiries of the Health of Towns Commission, and to awaken an interest in the efforts then beginning to be made for the improvement of the condition of the labouring classes. I am happy to see, from his recent denunciations (in the *Times*) of the scandalous state of the cottages of agricultural labourers in various parts of the country, that long familiarity with this gigantic evil has not lessened his abhorrence of the physical and moral degradation that directly flows from it, or the zeal that prompts his earnest and persevering efforts for its removal. The following extracts from the returns and other documents that have been furnished to me, will be both interesting and encouraging.

In Aberdeen, "several gentlemen have taken up the subject of houses for the working classes; and there is one company at least now making up as quickly as they can for the several hundred miserable old houses knocked down for railway purposes." In Birkenhead, where "the proceedings hitherto taken under the Nuisances Removal Act, have mostly been satisfactory, there is plenty of good cottage accommodation to be had at present, and all new cottages are erected under regulations similar to those of the model bye-laws. They are regularly inspected by the inspector of nuisances, and are all in excellent order." In Bradford, where the building bye-laws are admirably fitted to secure well-constructed and well-aired dwellings for the labouring population, "the authorities are not able to enforce the law against overcrowding for want of sufficient houses. But two large blocks of houses are in course of erection by means of subscription, but intended to be self-paying. These buildings are designed as models. Accommodation of this kind has been very deficient, and it is hoped that the experiments now being made, will lead to more extended efforts." In Gateshead, "the older portions of the town are very bad, the houses generally being ill-constructed, ill-ventilated, and, as a rule, overcrowded. A very large number of houses consisting of two storeys, designed for two families, have recently been built, and the erection of others is going on with in-

credible rapidity; but the demand for these houses far exceeds the supply. The houses consist of two rooms on the ground floor and three on the upper, each tenant having a separate entrance, and one ample yard common to both. The yards are paved and well drained. Some have waterclosets; generally, however, ash-pits and privies. The streets are not less than 40 feet wide. There are seven common lodging-houses in Gateshead, licensed for 206 persons. These are regularly inspected, and the Act strictly enforced. They are exceedingly clean and well kept, and may serve as models to the tenement houses in their vicinity. It is exceedingly rare to meet with a case of infectious disease in them; and during my tenure of office, I have not met with a single case of fever in one of them. Four of them are in Pipewellgate, and although, in my opinion, not what lodging houses should be, yet the rigid enforcement of sanitary measures suffices to prevent infectious disorders, although in the surrounding tenement houses zymotic disease is rarely if ever absent, nor ever will be, until the same law is applied to tenement property as to lodging-houses."

We have already seen what sweeping changes are contemplated by the Glasgow Town Council under their new Police and Improvement Act. Dr. Littlejohn* gives two striking "specimens of what will become of your courts and closes, should proprietors be allowed to run up skeleton houses of the most ricketty description and faulty sanitary construction. Both are inhabited by the very poor; but Birtley Buildings is a refuge for some of the worst characters in the town. Each room is small and overcrowded, the passages are dark and ill-ventilated. On all sides you have vice in its most repulsive forms. With an Inspector of Buildings, armed with sufficient powers, such monstrosities in dwellings for the poor would never have been permitted. Tried by any standard, they are faulty in the extreme. A similar plea cannot be urged in their behalf as may be put forth for older houses in the city—that at first they were inhabited by a better class and were not overcrowded, but have sunk gradually into their present condition. Birtley Buildings and Crombie's Land, on the other hand, are modern structures, built specially for the poor, and with an eye to a large rental; hence the small ill-ventilated rooms, and their great deficiency in sanitary comforts." Such were the worthless dwellings built by unprincipled and short-sighted speculators for the "well-to-do industrious workman," who left them to the occupancy of the dregs of society as soon as substantial comfortable quarters were provided elsewhere. Such are the houses of which 16 have been built in various parts of Edinburgh between 1851 and 1864. Some of these I have inspected with great pleasure; but what interested me even more deeply was the thoroughly successful experiment of Dr. Robert Foulis, who showed how much may be accomplished by a single individual and at a moderate outlay, in providing accommodation for the poorer classes,

* Report on the Sanitary Condition of Edinburgh, p. 33.

who cannot afford to pay the average yearly rent of £6 or £7 charged in the model buildings. "He took a close in the Grass Market,* gutted it, cleaned it thoroughly, and repaired it, in on expensive manner, but in such a way as to afford comfortable housing for the poor. This close, the Warden's Close, No. 139, has thus been reclaimed. It is placed under such supervision, that the inhabitants are taught cleanliness, and should a new comer not be susceptible of the lesson, after a patient trial, he quickly leaves. To this hour the close in question stands out an oasis amidst the wretchedness and filth that is to be met with in other closes of that well-known locality. Had this example been followed by our philanthropic citizens who have subscribed so handsomely to the various building schemes, some of the worst localities in the Old Town might have been renovated, crime and pauperism rooted out from them, and the workmen comfortably housed in situations possessing a good exposure and a healthy site. A more admirable situation for such buildings than the district of the Canongate, can hardly be seen anywhere, whether altitude, exposure, or drainage facilities be taken into account." How much has been done in London in the way both of improving old, and of building new houses, by the various societies which have been established during the last 25 years,—foremost among them the Metropolitan Association for Improving the Dwellings of the Industrial Classes, and the Association for Improving the Condition of the Labouring Classes—is well known to many not only in London but throughout the kingdom. Equally well known and appreciated are the achievements of Mr. Alderman Waterlow and the Peabody Trustees, in the Metropolis; of Mr. Titus Salt, at Saltaire; of Mr. Akroyd and the Crossleys at Halifax; and of the Freehold Land Society, under the direction of Mr. James Taylor, at Birmingham. So gratifying has been the success of Mr. Crossley's efforts during the past 15 years' that he has recently erected another lodging house, and Mr. Hole announces† that, "acting upon the example set by Mr. Akroyd, nine gentlemen constituted themselves a 'Society for the Erection of Improved Dwellings.' As opportunity has offered, they have purchased small plots of land in different parts of Leeds, and erected houses thereon, at prices ranging from £150 to £200 per house, including land and all expenses. By building a lot together, the land, materials, legal charges, architect's commission, and other expenses, were reduced much below what they would have cost if erected by an individual. A working man is thus able to obtain a cottage at cost price. He is expected to provide one-fifth of the purchase money, and the remaining four-fifths is advanced to him by the building society at 4½ per cent. The building society is repaid (both principal and interest) by a contribution equal in amount to what he would ordinarily have to pay in rent for a similar house spread over a period of thirteen years and a half." ‡

* Dr. Littlejohn's Report, p. 40. † Page 87.

‡ On this subject see "The Prevention of Pauperism, and Suggestions for a Mode of Supplying Cheap and Healthy Dwellings, &c.," by Dr. Hawksley.

In Newcastle-upon-Tyne, a sub-committee was lately appointed by the Public Health Committee, "to inquire into the number of houses in the borough let as tenements; their water supply, ventilation, ashpit and privy accommodation, and drainage; the number of their occupants, and the cubic space allowed for each; to ascertain to what extent, amongst what class, and under what conditions, zymotic diseases have been most fatal during the past twelve months; to consider the cost of such diseases to the community; and report on all these matters, and generally upon the sanitary state of the borough, and the means of improving it, but especially upon the advisability and practicability, under the direction of the corporation, of opening up new streets in crowded districts; for sweeping away old dilapidated and unhealthy dwellings, and of erecting in their stead better and healthier houses and lodging-houses for the labouring classes; the committee to meet daily until the inquiry is complete."* In Plymouth, "some few cottages have been built for the working classes, in the north-eastern part of the town, as a private speculation;" and in Reading, Mr. Walford informs me that the accommodation is "good and that there is a model lodging-house where the charge is threepence a night." In Worcester, as stated by Sir Charles Hastings,† a company, which was formed to purchase the whole of the worst part of the town, raised a sum of £10,000, effected the purchase, and after having cleared away all the old houses, built houses on the old sites on an improved plan. The change for the better in that part of the town was most remarkable, "though it had not answered in a pecuniary point of view. In place of the miserable, vicious, and degraded population which used to inhabit that locality, they had there a population useful as artizans, setting a good example to the poor, and a credit to the city."

From what has been stated in the foregoing pages, it is clear that, while the proportions of *this* social evil are enormous, the energies of the nation are gradually being directed to its removal, and that the adoption by the legislature of judicious measures of encouragement would tend greatly to stimulate the efforts of local reformers. Any enactment likely to prove beneficial must provide for the granting of government loans on easy terms; must facilitate the acquisition, with a good title, of such low house property as the owners shall decline to improve; and must likewise provide for strict government inspection of all new works undertaken and executed by local authorities or associations. I therefore cordially concur in the following suggestions of Dr. Acland: "I think a government inspector ought always to inspect the execution of works when the government sanctions the borrowing of money; and the inspector should publish his reports and certificates. The

* This sub-committee, appointed in October, has, I believe, presented its Report, which is now (May, 1867) under consideration.

† *Transactions* 1860, page 722; and 1864, p. 58.

inspection should be real, and be made during the execution, and before instalments are sanctioned, just as an architect certifies to work done. This will hinder bad work. There is no work which requires more careful execution than drainage works. Improvements in details have been made by Clark, of Carlisle, and others, of which many local contractors and surveyors might be entirely ignorant, but which inspectors with large experience might know and require."

My returns in regard to slaughter-houses are very imperfect, owing to my not having made inquiry regarding them in many of my earlier schedules of queries. But I find that in Aberdare, Birkenhead, Cardiff, Dundee, Edinburgh, Greenock, Newport, Paisley, and Reading, the arrangements are either on the whole or quite satisfactory. In Birkenhead, Edinburgh, Greenock, Newport, and Paisley, as also, I believe in Cardiff, no private slaughter-houses are allowed; and in Aberdare, Dundee, Paisley, and Reading, where they are permitted, notwithstanding the existence of admirably conducted public abattoirs, they are under special regulations, the infringement of which exposes them to heavy penalties. In Newcastle, where "they are all within the town, slaughter-houses have been erected by the corporation since the cattle disease regulations have been in force, adjacent to the cattle market; charge 1s. for each beast slaughtered. The cattle market is seven acres in extent. There is still a large number of slaughter-houses in various parts of the town, in courts and yards, surrounded by dwelling houses." * In Aberdeen, Gateshead, Leeds, Doncaster, and South Shields, the erection of public abattoirs out of town has been, as in London, talked of for some time, and will, it is hoped, soon be carried out, for in some of those towns, as also in Bristol, many of the private slaughter-houses, though licensed, are very offensive. Is it a subject of congratulation, or the reverse, that we are beginning—only beginning—to act in this matter, on the principles so clearly propounded by Sir John Pringle more than a hundred years ago?

We now come to consider the drainage and water supply of these towns:—

——	DRAINAGE.	WATER SUPPLY.
Aberdeen . .	"Good in the principal streets; either indifferent or altogether wanting in the second-rate and worst streets. A thorough and efficient drainage is being carried out under a recent Act."	Admirable and very abundant. 6,000,000 gallons of the purest water brought into town daily, from a distance of 21 miles, by the New Water Works, in the hands of the Corporation.

* The arrangements in Chichester, as in Stafford, seem to be of a very primitive kind; a cattle and pig market being held fortnightly in the streets; and between 200 and 300 pigs being kept in the city.

——	DRAINAGE.	WATER SUPPLY.
Aberdare . .	——	"Plenty, and of the best quality; in the hands of the Water Works Company."
Birkenhead .	"On the whole, good."	"Generally abundant and good; supplied from works the property of the town, pumped from wells in the new red sandstone."
Birmingham .	"A very elaborate system of deep drainage, not yet quite completed."	"Very variable to poorer districts."
Bradford . .	"A general system of drainage has been laid down under the Public Health Act, plans having been submitted and approved by the Government officer. The work is being proceeded with as rapidly as possible, the worst parts of the town having precedence."	"Complete throughout the town as far as service by the Corporation is concerned; and officers are making house to house inspection in the poorer districts to see that every house is supplied. Presentment was made to the committee of above 100 houses (recently), which had not taken the supply. Supply enforced under the Public Health Act of 1848, as amended by Local Government Act of 1858."
Brighton . .	"Very deficient. Of 42 miles of streets and thoroughfares, only about 13 have intercepting drains; but a complete system of drainage is now commenced, the cost of which will be, when complete, £200,000."	"Excellent and abundant, from springs a mile from town, dip being from the well to the town, so that no contamination can take place."
Bristol . . .	"Over 100 miles of drains, emptying into a tidal river. 50 miles of those drains made during last ten years, all well ventilated."	"Abundance of excellent water supplied by a private company from the Mendip Hills. Some courts are still short of water, or supplied by pumps of a suspicious character. This subject is now under the consideration of our committee, and some notices have been served on landlords."
Cambridge.	"Actual drainage of town good, but principle bad. All into the Cam."	"Abundant and pure; water courses in streets, keeping both them and sewers clean."

——	DRAINAGE.	WATER SUPPLY.
Canterbury. .	"Just now in a transition state. We hope it may be well done eventually."	"For the poor mainly by taps situated at various parts of the town. For these, however, we are indebted to our forefathers, *i.e.* it is a very old provision."
Cardiff . . .	"Now very efficient; commenced in 1855, first system completed in 1856."	"First obtained from river Ely; latterly an additional supply has been obtained from springs connected with the north range of hills, about five miles from Cardiff. Supply to small houses, at 2d. per week, abundant."
Carlisle . . .	"Very good."	"Insufficient and unclean. Obtained from river Eden, which river receives the drainage of several considerable towns above Carlisle; of Penrith, with a population of 7,000 to 8,000; Brampton, 2,000 to 3,000; Appleby and several others."
Cheltenham .	"Very good. Above 25 miles of public sewerage in hands of Commissioners, intercepting; but much still in private hands. (See Dr. Wilson's Sanitary statistics of Cheltenham, pp. 8-11.)"	"In a transition state—supplied by water company chiefly from the Chelt; other sources of supply under consideration. Severn rejected, owing to its impurity, containing 28 grains of solid matter in the gallon, 4 of which were organic. Supply to poorer districts, bad."
Chichester.	"Cesspools in a porous, gravelly soil, and surface drainage. Corporation will not undertake deep drainage works."	"From wells sunk in the gravel near cesspools, and which pollute them, so that in numerous instances the water is turbid and filthy, yet the people in many cases drink it as long as they can, and then perhaps apply to a neighbour for some that does not smell or taste so bad. It abounds in animalculæ."
Derby . .	——	"Constant and plenty of it, but there is a good deal of pump water used in the old houses."

—	DRAINAGE.	WATER SUPPLY.
Devonport . .	"Extremely imperfect in many parts of the town; in some absolutely none, except by surface gutters."	"Very good. 24 miles of running stream brings it to the reservoir. It contains a grain and a-half of potash in the gallon; generally paid for by landlords. Kept in tanks or water-butts. Several families depend on one supply."
Doncaster . .	"Good, but bad place for outfall; not into the Dun, but into the 'River Dun Navigation,' and so to the Trent."	"20 pumps in streets; supply good, but hard water; rest obtained from river Dun, which receives the sewage of Sheffield, Rotherham, Masborough, and other towns, containing in all about 300,000 inhabitants."
Dundee . . .	"Perfect."	"The defect in the poorer districts is that the water is not brought into their houses, although wells are contiguous to them. The better class of workers have water in their houses."
Edinburgh . .	"Where completed, excellent. House-drainage in many poor districts very imperfect; in some, impossible. (*See* Report, p. 76-90.) Untrapped gully-holes, and water of Leith, often very offensive."	"No wells allowed to be used. Supply by water company, who are bound by General Police and Improvement Act to introduce water into all houses. In 1863, 31·12 gallons daily for each inhabitant. When the new springs have been added to present resources, the daily supply will be 39 gallons per head."
Exeter . . .	"Every part is completely sewered, but there are legal difficulties in compelling a communication with private houses."	No return. Good, I believe, since 1832, since which water has been uncontaminated by sewage.
Gateshead . .	"Until the last 18 months, very little more than one-third of the borough was properly drained; latterly, however, drainage works have been pursued with great vigour; expected to be complete or nearly so in a year."	"By Newcastle and Gateshead Water Company; bad and dear, besides very precarious, as Gateshead has no reservoirs independent of those on the Newcastle side of the river; any accident to the pipes crossing the Tyne would deprive Gateshead of its supply. In the poorer

——	DRAINAGE.	WATER SUPPLY.
Gateshead . . (*Continued.*)	——	parts of the town, where, from want of yard space, if it has been necessary to erect waterclosets, the want of pressure and the dearness are very great evils, and have rendered sanitary progress much more difficult than it would have been."
Glasgow . .	"Generally very good, but into the river, the state of which is very bad."	Admirable, from Loch Katrine; the model of the whole kingdom. Supply constant. Distribution improving yearly.
Gloucester . .	"Good; three-fourths of the city drained."	"Not continuous. One ordinary tap supply to each court in poorer districts."
Greenock . .	"Good main drains in nearly every street. In some streets, the proprietors of tenements have not yet communicated with the Common Sewers."	"The supply for the poorer districts is by public wells, and confessedly very deficient."
Grimsby . .	"Of a temporary character only."	"By Water Works Company. The Local Board of Health have not adopted compulsory powers of supplying the poorer districts, which is much needed, as the wells there are seriously affected by the sewage. The Local Board have issued notices for persons to give information and lodge complaints."
Halifax . .	"Good."	"Abundant in poorer districts."
Hastings . .	"Good and effective, at least in the Health of Towns district, having cost nearly £20,000 a few years ago, but the outlets interfere with the bathing, and occasionally smell badly. To remedy this, the Board have determined to remove the outlets a long distance from the town. The contract is signed for £26,000, and the work is commenced. The	"The poorer districts are well supplied with water."

——	DRAINAGE.	WATER SUPPLY.
Hastings . . (*Continued.*)	Commissioners of St. Leonard's, are also on the eve of doing the same on the West side for £6,000. The deodorization of the fluid part of the sewage, and conversion of the solid into guano, is about to be tried on a large scale—by heat. Bone dust is added, to supply the deficiency of phosphates."	
Hereford . .	"Good—very good."	"Pretty general, not compulsory, nor unlimited."
Hull . . .	"The east district is well supplied with main drains; the west also rapidly progressing."	"All the districts of the town are well and amply supplied with good water."
King's Lynn .	——	"Constant and pure to whole town, except in the case of many old houses, which are supplied with water that is allowed to run into underground tanks. This water is often rendered impure, from the close proximity of the privy vaults and cesspools. In some instances the former are placed almost on the top of the water tanks."
Leeds . . .	"Exceedingly deficient in many districts; but the pollution of streams is very great."	From the Wharfe; abundant, but much contaminated with the sewage and refuse of various towns.
Leicester . .	"New and good."	"Good and ample for the poor."
Lincoln . .	——	"By water company; poor supplied at a reduced rate."
Liverpool . .	"160 miles of sewers, the cost of construction about £281,600."	"Not constant, but is put on twice daily. The average number of hours during which it is on is from six to eight."
Maidstone . .	"Improving, but our rivers are abominably misused and polluted by sewage and refuse from paper mills, gas-works, &c."	"Better than it was, but to the poor still very deficient."

	DRAINAGE.	WATER SUPPLY.
Merthyr Tydfil	"A system of drainage was commenced in November, 1865, and is now in progress."	Under the Board of Health since November, 1861; unlimited supply, only three degrees of hardness, free from organic impurity, for an annual payment of twenty-pence per head. (Report on Sanitary Condition of Merthyr Tydfil for 1865, pp. 14—18.)
Newcastle . .	"14 miles in extent, arterial, into river Tyne; no provision for utilization of sewage."	"Not much to complain of. Reservoirs cover 148 acres, holding 530,000,000 gallons. The corporation pay annually £200 for water, for public grants, urinals, and water closets, and are at present collecting information with a view to proceedings against owners of property who do not provide a proper supply."
Newport . .	"Excellent."	"Constant and plentiful, even in poorer districts."
Northampton.	"No return."	"Not by any means complete in poorer districts, being partly from water companies, and the remainder from wells, all of which when analysed have been found to contain a great quantity of organic and animal matter; quite unfit for drinking."
Norwich . .	"No return."	"To poorer neighbourhood by pumps and taps; is for the most part very good. The landlord is obliged to lay on water to cottages, if it can be procured at the rate of 2*d.* per week."
Nottingham .	"Main sewers made by the Highway Committee; private sewers under Sanitary Committee."	"A stand-pipe in each court, with water at high pressure day and night."
Oxford . . .	"Into the rivers. The Cherwell was, till lately, unsullied by drainage. It is now unfit for bathing."	Intermitting; no reservoirs; question of new works referred to Mr. Bateman, C.E.

——	DRAINAGE.	WATER SUPPLY.
Paisley . . .	Into the river, which is much polluted by it.	"Good, to all inhabitants alike from hills to south of town."
Plymouth . .	"For the most part good."	"Intermittent; for *one* hour daily in some parts of the town, and for *two* hours on alternate days in others."
Portsmouth .	"Generally bad, but a thorough system of drainage is being carried out, at a cost of £100,000."	"For the most part in the hands of a water company, and is adequate to all demands. The poorer tenements are not well supplied, as it is left to the landlords, who charge their tenants about a penny a week per tenement, when they put on the water. The supply is practically uninterrupted."
Reading . .	"At present, cesspools—complete drainage about to be carried out."	"Good and constant, at high pressure."
Sheffield . .	"A good deal has been done of late years to the sewers and surface drains of the town, but still much requires to be done."	By water company, from an elevation of 1,200 feet above the sea level, conveyed in iron pipes into the town, very pure, 4 grains only, to the gallon, of mineral and organic matter. (Dr. J. C. Hall, *Transactions* for 1865, p. 385.) Supply to all parts very good.
Shrewsbury .	"Wretched; into the Severn. About to carry out an extensive system of sewerage, at a cost of £30,000 or £40,000."	"From the Severn for domestic purposes; drinking water from a spring some distance from town. General water supply to poorer districts very insufficient."
Southampton.	"*Médiocre.* After spending about £20,000 sixteen years ago, it is now contemplated to spend £10,000 more."	"Supply ought to be unlimited (from the Itchen), but is extremely deficient both for poor and rich. Engines too small; others of greater power in course of construction. During the cholera epidemic the poor were shockingly neglected; they had not enough to cleanse their persons, much less to wash away sewage, &c."

	DRAINAGE.	WATER SUPPLY.
South Shields.	"Pretty complete now."	"Very good; from Sunderland and Shields water works."
Stafford . .	"All on the surface, odour at times dangerously offensive."	"From wells much contaminated by drainage."
Sunderland .	"A more complete system of drainage."	"Ample, and excellent in quality."
Tynemouth .	"The main drainage is very good, but a large number of houses in the oldest part have neither yards nor water-closets."	"Very deficient both for houses and closets, in the oldest part of the town."
Wolverhampton	"The natural drainage good, but main drainage imperfect. A plan has been approved by the Secretary of State, and a thorough system is in contemplation."	"Ample supply to poorer districts is insisted on."
Worcester .	"Perfect."	"Good to poorer districts."

If the foregoing summary is encouraging, as indicating progress in many of the towns enumerated, surely the tardiness of the operations now in hand is fitted to awaken our astonishment. It is very remarkable that in large towns, such as Aberdeen, Birmingham, Brighton, Canterbury, Gateshead, Hull, Leeds, Merthyr Tydfil, Portsmouth, Shrewsbury, and Wolverhampton, the authorities should only now be carrying out, or about to commence, systematic drainage works; and still more so, that in Chichester, Devonport, Grimsby, Reading, and Stafford, the arrangements are wholly, or for the most part, so primitive that the whole soil and the surface wells are becoming continually more impregnated with organic impurities. The pollution of the rivers, again, by the sewage and refuse of Bristol, Cambridge, Chester, Doncaster, Glasgow, Leeds, Maidstone, Manchester, Newcastle, Oxford, Paisley, Sheffield, and Shrewsbury has become a gigantic evil, towards the removal of which the attention and efforts of sanitary reformers should be unceasingly directed.

As regards water supply, while in some places, as in Aberdeen, Cardiff, Glasgow, Merthyr Tydfil, and Sheffield, the arrangements are perfect, and, while in many others they are very satisfactory, it appears that in Birmingham, Cambridge, Canterbury, Dundee, Gateshead, Gloucester, Hereford, Liverpool, Northampton, Norwich,

Nottingham, Oxford, Plymouth, Southampton, and Shrewsbury, there is either no house-supply at all, or that it is sadly deficient, in the poorer districts. In many of these towns, it will be observed, the poor are dependent on pumps or taps, one being often made to serve for a whole court containing a large population—a most defective and objectionable arrangement. But I question whether any part of any town in England will be found in a much worse condition than a district of Kensington, with a return of which I have been favoured by my friend Dr. O'Bryen. It contains 99 houses, with 302 rooms and 970 inhabitants, who are supplied with hard water from three pumps, but receive the company's soft water, when it is on for an hour daily, from leaking butts and cisterns, in pails or pitchers, in which it is kept standing in the close rooms till it is used. No other supply of soft water is available during the remainder of the twenty-four hours, the water in the cisterns being polluted by the gases from the closets above which they are placed. Seventeen houses in one court have each a closet, but with a very insufficient water supply; while the remaining 82 have 41 closets, a number of them so filthy as to be unfit for use, and only fifteen cisterns and four water butts, containing, after deducting waste, 2,942 gallons—the whole supply, exclusive of pump water, both for domestic purposes and flushing of closets. The entire supply for all purposes to the 99 houses (deducting waste) is 3,611 gallons. The allowance to the 970 inhabitants, at the minimum rate of 15 gallons, should be 14,550 gallons daily. During the prevalence of cholera a few stand pipes were provided, but these have since been removed. It is nearly two years since a committee of the vestry, after very careful examination, gave in their report, recommending the enforcement of stringent measures against the owners, but the vestry, though often urged to act, have as yet done nothing in the way of compelling landlords to provide a sufficient supply of water. The magistrates, when applied to by the vestry to compel landlords to comply with the notices served upon them, have uniformly refused, on the ground that vestries have power, under the Act 25 & 26 Vict. c. 102, to execute the works themselves and recover the costs. Rather than incur the risk, they prefer leaving matters in the disgraceful condition I have described.

In Chichester, Greenock, Grimsby, Northampton, and Stafford, the pump-water, which is consumed by the greater part of the inhabitants, is much contaminated with organic impurities. In Carlisle, Chester, Doncaster, and Leeds, the whole supply is drawn from rivers which receive the sewage of large populations. The case of Doncaster merits special notice. "Our only supply of water," writes Mr. Fairbank, "is from the river Dun; 18, 12, and 11 miles respectively up this river, stand Sheffield, Rotherham, and Masborough, besides many populous villages. Into this river these places all send their sewage, so that our water is well fecalized before we get it. In July, I heard Dr. Letheby swear on the Four Gospels, before the Lords Committee, that the sewage of Sheffield (a town

containing 216,000 souls) was so far oxidized before it got to Doncaster, that it could do no harm here; so we go on drinking it, and some people rather like it." If so, the tidings communicated to me by Dr. Hall, that the Sheffield authorities think of keeping the sewage out of the rivers, will not be altogether welcome to some of the inhabitants of Doncaster. *De gustibus non disputandum.* But this doctrine of the speedy conversion, by oxidation of the sewage and refuse of 300,000 human beings, and of multitudes of animals, clean and unclean, into perfectly innocuous material, has a very suspicious look, especially when placed alongside of Professor Frankland's statement,* that even boiling does not destroy the noxious properties of cholera discharges, when these are diffused in water. The oxidation theory may be true, to the extent alleged by Dr. Letheby, but its probable *laissez faire* results are not pleasant food for thought, nor, I apprehend, for wholesome fish.

With a few striking facts in reference to the propagation of infectious disorders, I conclude this too lengthened paper. In no department of our social economy has the liberty of the subject held more uncontrolled sway than in this death-haunted region of epidemic and infectious disorders. From "my lords" of her Majesty's Privy Council, as we have seen, down to the snuggest parish vestry in the land, there seems to be a prevailing disposition, like Izaak Walton with his worm, to "handle them tenderly as though we loved them." The means for limiting their ravages are in our hands; the discovery of the agent that gives effectual protection against the most deadly and loathsome of them all is one of the hygienic glories of England; yet the United Kingdom is the chosen *habitat* of typhus, and the mortality from small-pox is greater in the country of Jenner than in any other country of Europe. We know that the prompt isolation of persons smitten with infectious diseases, and the emptying and cleansing and lime-washing of those dwellings which furnish a steady—often a perennial—supply of such cases, will assuredly prevent their multiplication; yet though in almost every town from which I have received returns, cholera hospitals were being provided, and "disinfectants," such as quicklime, chlorides of lime and zinc, carbolic acid, sulphate of iron, and McDougall's powder, were being liberally used, in only a very few have any systematic efforts been made to limit the prevalence of communicable disease. We have already seen how thoroughly and speedily successful were the measures taken in 1865 to arrest the spread of typhus in Bristol; and in Birkenhead, the energetic proceedings of Dr. Robinson were followed in the same year by a remarkable diminution in the mortality from contagious diseases. In his first report (for 1864), speaking of scarlatina, he says, "means should therefore be devised to check the progress of this epidemic by early isolation of the sufferers; and before the convalescent is again permitted to enter into the society of

* *Times*, Sept. 5, 1866.

the healthy, copious ablutions, together with the use of disinfectants, should be resorted to; and those clothes which cannot be purified by washing, &c., should be exposed to a dry heat of 206° Fahr. The interesting experiments of Dr. Henry and others have clearly shown the value of dry heat as a destroyer of the specific poisons which produce contagious diseases.* The Health Committee of Liverpool, acting under the advice of their intelligent medical officer of health, are taking the initiative steps towards providing a public building for the purpose of washing, disinfecting, and exposing to dry heat the clothes of those who have suffered from contagious diseases, and I trust that, attached to the fever wards about to be built in connection with the Birkenhead union, a similar provision will be made." This suggestion has been acted on. In his report for 1865, he gives the following summary of sanitary operations during the year :—" Pigs were removed from 62 places where the keeping of them was a cause of nuisance to the neighbourhood; 124 privies have been converted into water-closets; 21 pits of stagnant water were drained; 2,451 nuisances arising from obstruction of drains, defective traps, &c., were reported by the inspector, and proceedings taken to remedy the same; 4,827 houses, containing 19,263 apartments, were visited with a view to improving their sanitary condition; 1,043 lime-washing notices were served upon the occupiers of dirty houses, and attended to by them; 25 cellars, used as dwellings, were vacated; 70 overcrowded houses had their numbers reduced; 37 persons were convicted before the magistrates of offences against sanitary laws, and penalties amounting in the aggegrate to £18 10*s.* inflicted." That the sudden fall exhibited in the following table is in some degree owing to these precautions, it is only reasonable to infer.

Deaths from	1864.	1865.
Small Pox	121	37
Scarlatina	81	37
Measles	76	21
Typhus (including Typhoid Fever)...	71	63
	349	158

The other towns which have either fever hospitals or fever wards for the isolation of the patients are Carlisle, Derby, Edinburgh, Gateshead, Glasgow, Greenock, Hull, Leicester, Maidstone (at union

* See an excellent paper "On the Disinfecting Property of Heat," in the *Transactions* for 1864, by Dr. Shann of York, pp. 556-563.

infirmary there also are Manchester, Newcastle, and, I believe, Birmingham. Liverpool besides fever wards attached to the Workhouse Infirmary, has another fever hospital available for other towns. In Glasgow, where the enforcement of strict police regulations in common lodging-houses and the early removal of patients to one or other of the hospitals have made a decided impression on the epidemic typhus, there are not less than five fever hospitals—one at the Royal Infirmary, the City of Glasgow Fever Hospital under the magistrates and town council, and three others under the parochial boards. "There is also a regular service of disinfection and a special washing-house for the effects of infected persons. This is done without charge, on the order of the medical officer." In Liverpool "a disinfecting apparatus on Henry's principle was erected in the north district, and ready for use in February 1866; another is ordered for the south-end of the town." In his report for 1865, Mr. Moore states that he was led, in consequence "of the rapid extension of scarlet fever, measles, &c., in their respective neighbourhoods, whenever these diseases appeared in them," to institute special inquiries into the state of the 'Dames' schools in Leicester. It turned out that in eleven of them the cubic space for each child varied from 26½ to 55¾, though in only two did it exceed 42 cubic feet. In two, each had only 26½, and in two others 28½ cubic feet, an allowance suggestive of suffocation to the tiny pupils. Since then the dames' schools have been frequently visited, and placed under regulations which are strictly enforced, very much to the advantage of the health not only of the children but of the town. In 1864, when 104 persons died of small-pox, he vainly repeated a recommendation he had previously made, that an institution should be provided for the reception of small-pox cases, which are excluded from the fever-house, and must be treated at their lodgings, with the certain result of an extension of the disease to others in the house and surrounding neighbourhood. In Edinburgh, there is, in the bye-laws for common lodging-houses, a special provision "that in case of fever, cholera, or other contagious, infectious, or epidemic disease occurring in such lodging-house, whether to any lodger or to any other person residing or being in such house, the keeper of such house who shall neglect or omit forthwith to give notice thereof to the superintendent of police, in order that the nature of the complaint may be ascertained, shall, for every such neglect and omission, be liable in a penalty not exceeding forty shillings." The result is seen in the following statement (p. 36 of Dr. Littlejohn's report): "It is certainly remarkable that, of the 163 cases of death from fever (in 1863) not one occurred in these the poorest and most crowded houses in Edinburgh. . . . Of course the overcrowded state of their population renders them the hotbeds of disease in epidemic years, and when cholera and fever were raging, these houses attained an unenviable notoriety. Were not unusual facilities presented in Edinburgh—the seat of a medical school—for the speedy treatment of the sick, and the removal of cases of infectious disease to our noble charity, the Royal

Infirmary, a single case of fever allowed to run its course unwatched in such tenements would spread contagion all sides, and the district mortality would be greatly increased." Such, however, is the case in most towns throughout the kingdom. The general reply to my inquiry as to the isolation and conveyance of persons ill of infectious disorders is, "no attention is paid to the isolation of such patients."

"There is another mode* of mediate communication, the mere mention of which excites astonishment at the apathy that permits the continuance of a practice by which a large amount of preventable disease is occasioned. I allude to the common practice of conveying patients, known to be labouring under or convalescing from highly contagious disorders, in hackney carriages. That this is the mode of infection in cases which every now and then startle the fashionable world, *e. g.* the death by small-pox of a distinguished Italian diplomatist about two years ago (1860), is in the highest degree probable. At a small reunion of medical men the summer before last (1861) in the house of my friend Dr. Cotton, one of the company detailed the following instructive case which had fallen under his notice some weeks before. It was suggested by the mention of the sudden death, from small-pox of Mr. Henry Gray, of St. George's Hospital. The gentleman in question hailed a cab, and told the cabman to drive to a certain number in a fashionable west-end street. He went in to see his patient, but found his services no longer required. She had died of small-pox. When he came out, the cabman, who had been struck by the closed window-shutters, asked if there was any one ill within? My friend replied in the affirmative, and ordered him to drive to another address. He had given him his fare, and was about to leave, when the man, to his surprise, asked if any one had died in the last house they had been at? An affirmative reply elicited the involuntary exclamation, "Oh! Lord," and the explanation that, on a certain day, having just put down a small-pox patient, he was hailed by a lady, whom he had conveyed to the house where she now lay dead." Was this, I ask, a case of "justifiable homicide?" In my opinion it should be made a felony. A society has been formed in London for the provision of ambulances for infectious cases, and has already been very successful in its operations; but so far as the vestries and local boards are concerned, the enabling clause of Acts 1860 and 1866 may be said to have been quite inoperative. Here is the result of my inquiries as to the arrangements in other towns:—

Aberdeen. "Three litters at call when wanted."

Birkenhead.—"One special carriage for conveying infectious cases was provided some years ago, but another one was added six months ago on account of the approach of the cholera. I cannot learn any case where a cab-driver has been convicted of conveying

* I quote from one of my lectures on medicine, as delivered at the Middlesex Hospital in October, 1862.

infectious cases. When they have been observed doing so, it has been found they have used 'unlicensed cabs,' alleged by them to be used for that purpose only. We have a hackney carriage bye-law, as follows :—'The driver or owner of any such carriage shall not knowingly carry or convey therein any person afflicted with any infectious or contagious disease, or any dead body.' The penalty for so doing is 20*s*."

Bradford.—"A van is kept at the workhouse for the purpose. Cab owners are prosecuted if they allow their cabs to be used for conveyance of persons ill of infectious disorders."

Bristol.—"The different boards of guardians have each an ambulance for the removal of infectious patients."

Carlisle.—"One at the Fever Hospital."

Chester.—"Fever cases are taken into the infirmary and paid for by the parishes at the rate of 1*s*. per day. The infirmary provides a sedan chair for the conveyance of the sick. Small-pox is *not* admitted."

Derby.—"No doubt cabs are employed; but many are brought in a hand-fly, which is to be had on application at the hospital."

Doncaster.—"We hire an old one. Ordinary cabs are not used here, as far as we know, for any one suffering from a contagious disorder. We should not allow it, but proceed under our bye-law against any one so using a public cab."

Dundee.—"Two conveyances specially so used, and for nothing else; cabs may be used also at times."

Edinburgh.—"A special vehicle is provided. No cabs allowed to be used."

Gateshead.—"The guardians have one carriage for the removal of fever cases."

Glasgow.—"Several vehicles for the conveyance of such cases."

Greenock.—"Fever cases can be conveyed by a special cab, the property of the infirmary. There is also a sedan chair used only for infectious diseases."

Hull.—"We have no separate carriages for the conveyance of fever cases. I think there is a sedan at the workhouse occasionally used."

Leeds.—"There is only one conveyance for the purpose of removing infected persons; this is supplied by the guardians of the poor."

Leicester.—"Liable to a penalty not exceeding 40*s*. under following bye-law: 'No carriage licensed by the local board shall be used for conveying any corpse, or any person who is ill of fever, or of any infectious or contagious disease.'"

Liverpool.—"Separate carriages—one for typhus, and one for small-pox cases—were provided in November, 1864. They are kept at the public offices, where there is a night watchman, and they are hired by contract. No charge is made for their use. These are quite independent of the fever and small-pox carriages kept by the vestries for the use of paupers. At the commencement of the cholera epidemic, another carriage was provided for cholera patients."

Maidstone.—"One for taking people to the 'union' three miles from town, a stout prejudice existing against the admission even of typhoid fever into the West Kent Hospital."

Manchester.—"The fever hospital has special conveyances at its service."

Newcastle.—"One carriage for the removal of infectious cases is provided by the fever hospital authorities; no other in the town."

Newport.—"No carriages provided by the town, but the guardians of the poor have a species of litter for conveying persons to the workhouse hospital."

Paisley.—"One ambulance is attached to the infirmary for this purpose."

Reading.—"A Bath chair is employed."

Sunderland.—"A carriage is kept solely for the conveyance of persons ill of infectious disorders."

So that some provision is made—and in Birkenhead, Bradford, Bristol, Doncaster, Edinburgh, Glasgow, Leicester, and Liverpool it is very effectual—against the admitted evils that flow from this inexcusable infraction of the laws of health, in 24 of the 59 towns regarding which I have made special inquiries, and also in the metropolis. But in the remaining 35, the liberty of the subject to keep up this dance of death is absolutely unchecked, except in Stafford, where cabs, which are used for the conveyance of all other sick people, are forbidden to take undoubted cases of small-pox. In the name of common sense, of humanity, and, above all, of economy, that god of our idolatry, what hinders that the provision of special means of conveyance for infectious cases should be made compulsory on all local authorities, and that the prohibition, under a penalty, of their conveyance in public carriages, known by experience to work well in those towns where it is in force, should be made universal throughout the kingdom?

In Liverpool alone, so far as I can discover, have any steps been taken towards providing proper receiving-houses for the dead. Since the passing of the Public Health Act, 1866, the council have ordered the erection of two mortuaries. A protestant gentleman, Mr. Hutchinson, is about to erect, at a probable cost of £5,000, a mortuary *Chapel* for the Roman Catholics.

A few words in conclusion on convalescent institutions. It is now nearly fourteen years since I projected, and repeatedly discussed with the late Admiral Percy, then chairman of the Walton Convalescent Institution, a plan for collecting statistics from the London Hospitals, Infirmaries, and Dispensaries, in order to shew the urgent need of a great effort to increase, at least tenfold, the convalescent accommodation for the metropolis. To my great regret I was prevented, by lack of leisure, from carrying out my intentions. Since then some progress has been made. In establishing the institution at Seaford, the Marquis of Townshend and his fellow-workers have conferred a great boon on the sick poor of London; several of the large hospitals are, I believe, providing accommodation in

the country for their convalescents; and Mrs. Gladstone is setting an example worthy of all imitation by social reformers throughout the country. My returns on this subject are not complete, as I neglected to put the question to some of my correspondents. But I find from Dr. Fleming, that Birmingham is now providing itself with an establishment capable of containing 40 inmates; Carlisle has its seaside institution at Silloth; Dundee, Edinburgh, and Glasgow have each a convalescent home, and steps are being taken to provide one for Paisley. In Greenock, "there was, during a late epidemic, a convalescent house for fever patients, but it is now disused." The Newcastle-upon-Tyne Convalescent Society have lately issued their seventh annual report,* which gives a very gratifying account of the increasing usefulness of their convalescent home at Marsden. In Liverpool, there are "no public convalescent institutions; but one has been established by private beneficence in Everton." Mr. Joseph Adshead, in a paper to which I listened with much pleasure at Glasgow in 1860,† announced that he would "shortly submit a plan for a convalescent establishment for Manchester and the surrounding district," but I am informed that his enlightened proposals have not yet been carried into effect. From 23 towns I have received the answer, that nothing has been done in the way of providing such idstitutions; but Bath, if it has none for itself, is a convalescent establishment on the grand scale for "multitudes of halt, withered, and impotent folk," who repair thither from all parts of England, and often find the healing they had elsewhere sought in vain.

The time, I trust, is not far distant, when a convalescent home will be reckoned an indispensable adjunct to every large town in the kingdom. It would enormously increase the influence for good of our hospitals and dispensaries. The object is so purely beneficent, that it should engage the sympathy and the liberal support of all well-wishers of the sick poor. The wealthy cannot bestow their largesses; the benevolent, whether wealthy or not, their good words and willing gifts; nor the active philanthropist his most earnest efforts, on a truer charity, or one more fruitful of good results. Nor could the guardians of the poor apply a portion of their funds in any way so likely to yield a large remunerative return, not only by improving the public health, but by effecting a permanent reduction of the rates, as in contributing towards the erection or support of convalescent institutions. "Ample funds" to adopt the concluding words of a pamphlet I published in 1849,‡ "would thus be provided for the

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* The Eighth, for 1866-67, has just reached me.

† *Transactions* for 1860, p.726.

‡ "Sanitary Economics, or our Medical Charities, as they are, and as they ought to be." By A. P. Stewart. M.D.

supply of certain health-giving remedies, of which the medical attendant well knows the value, but for want of which dispensary practice is too often a solemn mockery. Of these I might instance several, but I content myself with directing special attention to the facilities that would thereby be afforded, for sending to the country or the coast such patients (and their name is legion) as are pining away for want, not of drugs and elegant prescriptions, but of nature's balmy breath, which never fans the fevered cheeks, or braces the withered frames of the myriads who yearly sink unnoticed from their dark and plague-haunted dwellings into an 'ever yawning and never satisfied grave.'"

The results, then, of eighteen years of sanitary legislation is that we have in the metropolis a large staff of able and active but underpaid officers of health, whose recommendations may be adopted and enforced, or passed by in silence, or rejected with contempt, according to the temper or interests of the different vestries or local boards; that the great majority of the towns throughout the kingdom have no medical officers of health, and that, in those which have them, their remuneration is, with three or four exceptions, shamefully inadequate; and that their position of dependence on the local authorities is such as often to make them comparatively powerless for good, especially when, as sometimes happens, the authorities are interested in the perpetuation of the abuses which their sanitary officers seek to remove. We find also, that the appointment, as is commonly the case, of a single inspector of nuisances, where there ought to be a dozen or more, serves rather to conceal than to bring to light and remove the evils, both physical and moral, so prevalent in our large towns; that both in the metropolis and elsewhere their numbers are, with a few memorable exceptions, so small as to make the discharge of their duties a hopeless task, and that in not a few instances they are burdened with other duties that occupy the most of their time; that, as a rule, the rural districts, which require it nearly as much as the towns, and our ports and harbours * which require it even more, are virtually without any inspection at all; that the great and growing deficiency of lodging accommodation for the labouring-classes necessitates overcrowding, while it prevents the enforcement of the laws enacted for its abatement; and that, owing to the non-appointment of the officers charged with its execution, or the appointment of incompetent ones, the Act for the seizure of diseased and unwholesome articles of food is too commonly a dead letter. We find, moreover, that in many districts the death-rate is increasing, and that, owing to the neglect of vaccination and other sanitary measures, and the very general conveyance of infectious cases in public carriages, the ravages of small-pox and typhus are in many places alarmingly great; that the main and house drainage of many towns is still in a very unsatisfactory state; that the pollution of our streams and rivers is a crying abomination;

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* *See* an admirable article in the *Times* of Sept. 26, 1866.

that the water supply to the poorer districts, both of the metropolis and of other towns is exceedingly defective; and that, except in a few towns, the work of providing convalescent accommodation for the sick poor has not yet been begun. From all this we conclude that—

1. We require a thoroughly efficient administrative department of government for the superintendence of all matters relating to the public health, and the enforcement of the law on recusant local authorities.

2. The appointment of officers of health, not only in towns, but in the country, and for our ports and harbours, should be compulsory; they should be independent of the local authority, their appointment, the amount of their salary, and their dismissal being subject to the approval of the central department; and should exercise a general supervision of such districts as may be agreed upon.

3. The inspectors of nuisances should always be under the control of the officers of health, and should not be burdened with other and inconsistent duties. Their appointment should in every case be compulsory.

4. There should be an annual return to Parliament of all officers of health and inspectors of nuisances, of the salaries paid to them, and of the duties they are required to discharge.

5. As a general rule, the officers of health should be set apart for that work alone, and be remunerated accordingly, out of the municipal funds or county rates, aided from the consolidated fund.

6. The isolation of those sick of infectious disorders should be enforced by their early removal to—

7. District hospitals or refuges to be provided by the local authorities.

8. The conveyance of such cases in hackney carriages should be everywhere prohibited under a penalty, the same to be strictly enforced against offenders.

9. Carriages for the conveyance of such cases *must* be provided by the local authorities.

10. Disinfecting apparatus for clothes and bedding must likewise be provided by local authorities.

11. We urgently need a well-considered Act, which shall facilitate the acquisition of low house property, and shall empower the government to grant loans on easy terms, on the security of the new buildings, to those who shall undertake to provide wholesome dwellings for the labouring population.

12. The supply of gas and water should be taken out of the hands of private companies, and entrusted to public and responsible bodies, in the interest of the consumer.

13. It should be made lawful for Boards of Guardians to apply a portion of the rates to the providing of convalescent accommodation for those who require, but cannot procure it.

14. A strict government inspection should be made during the progress of all works for the execution of which the government sanctions the borrowing of money, and before instalments are sanctioned, the inspector's reports and certificates being published.*

HEALTH.

President.

WILLIAM FARR, M.D., F.R.S.

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J. F. BATEMAN, F.R.S., C.E.
WM. FAIRBAIRN, LL.D., F.R.S.
LORD ROBERT MONTAGU, M.P.
D. NOBLE, M.D.
ROBERT RAWLINSON, C.B.
ANGUS SMITH, PH.D., F.R.S.

Secretaries.

CAPTAIN CLODE.
WILLIAM HARDWICKE, M.D.
WILLIAM RENDLE.

Local Secretaries.

J. E. MORGAN, M.D.
ARTHUR RANSOME.

This Department considers the various questions relating to the Public Health; it collects statistical evidence of the relative healthiness of different localities, of different industrial occupations, and generally of the influence of external circumstances in the production of health or disease; it discusses improvements in house construction (more especially as to the dwellings of the labouring classes), in drainage, warming, ventilation; public baths and washhouses; adulteration of food, and its effects; recreation and amusement; the functions of Government in relation to public health; the legislative and administrative machinery expedient for its preservation; sanitary police, quarantine, &c.; poverty in relation to disease; and the effects of unhealthiness on the property of places and nations.

SUMMARY OF PROCEEDINGS.

THE following special questions were discussed in the Department:—

1.—"How far are Smoke and the Products of Combustion arising from various manufacturing processes injurious to Health? What measures ought to be taken to prevent the Contamination of the Atmosphere from such causes?"

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* The substance only of this paper was communicated to the Health Section at Manchester; and the completion of it amid constant interruptions has been a work of much labour. For the extreme indulgence shewn to me by the Editor, I am very thankful; and to the members of the Association, I am bound to express my sincere regret that I have occasioned so long a delay in the publication of the *Transactions*.—A. P. S.

2.—"How can the Pollution of Rivers, by the refuse and sewage of towns, be best prevented?"

3.—"What legislative or other measures should be employed more effectually to prevent the Adulteration of Food?"

In addition to the papers printed in the foregoing pages, the following were read in the Department:—

"On the Smoke Nuisance." By Peter Spence.
"Ditto." By W. Handsel Griffiths.
"Sewage Utilisation, with especial reference to Towns in the Valley of the Irwell." By John Newton, C.E.
"The Pollution of Rivers." By Thomas Hawksley, M.D.
"Ditto." By S. Clement Trapp, C.E.
"On Casualties arising from some Boiler Explosions." By William Fairbairn, LL.D., F.R.S.
"The cause of the high rate of Mortality in Liverpool." By Robert Martin, M.D.
"On the recent Epidemic of Typhus in Aberdeen; its probable causes and cost." By R. Beveridge, M.D.
"On Cholera in East London." By W. P. Bain, M.D.
"Destruction of Life by Overwork." By B. W. Richardson, M.D.
"On Workhouse Hospital Nurses." By George Greaves.
"On the Evils arising from the Midden System of Lancashire." By Robert Martin, M.D.
"On the Mortality of Women in Childbirth." By James Edmonds, M.D.
"On the Condition of Pauper Idiots in England and Wales." By P. Martin Duncan, M.B.
"On the Water Supply of Manchester." By J. F. Bateman, C.E., F.R.S.

THE SMOKE NUISANCE.

How far are Smoke and the Products of Combustion arising from various Manufacturing Processes injurious to Health? What measures ought to be taken to prevent the Contamination of the Atmosphere from such causes?

In addition to the papers read by Dr. Angus Smith and Dr. Crace Calvert, which will be found at pp. 429-440, papers on this question were contributed by Mr. Peter Spence, F.C.S., and Mr. W. Handsel Griffiths.

Mr. Spence argued that no mischief arises from the ordinary visible black smoke, which is the result of imperfect combustion, and is pure carbon, but great mischief from the invisible gases generated by complete combustion. He quoted the death-rates of Liverpool,

Manchester, Salford, and Sheffield in support of his view that black smoke is healthy rather than otherwise. He advocated the erection in every manufacturing town of a chimney 750 or 1,000 feet high, to which all the smoke made in the town should be conducted, and by which it should be conveyed to an altitude where it would disperse harmlessly.

Mr. GRIFFITHS expressed an opinion, as the result of certain experiments, that wire gauze prevents the passage of smoke and of noxious gases, and therefore recommended that diaphragms of this material should be placed on the tops of chimneys of manufactories and private houses.

DISCUSSION.

Mr. FREELAND: I will not attempt to enter into any disquisition on the nature and component parts of smoke, but if, as Mr. Spence maintains, injurious gases result from the perfect combustion of smoke, that evil may be dealt with when it arises, and science will no doubt devise means for getting rid of it. There are three points to be considered in connection with the consumption of smoke—1. Is it possible to consume smoke? 2. Is it desirable to consume it? 3. If the consumption of smoke be possible and desirable, what are the best legislative means for enforcing it? As regards the possibility of consuming it, I may refer to the report of the Select Committee of the House of Commons appointed to consider the question in 1840:—"It appears," say the committee, "from the whole of the evidence of scientific and practical men, including master manufacturers, that smoke, which is the result of imperfect combustion, may in all cases be much diminished, if not entirely prevented." Having inspected some years since in Manchester and Birmingham a variety of appliances for effecting the consumption of smoke, I can venture to say that, so far as my experience went, smoke may be easily got rid of in furnaces in more ways than one. As regards the desirability of getting rid of smoke, we need hardly, I think, argue that question at the present day, but may assume that its effect on health and spirits is injurious. On the ground of economy, also, it seems to be desirable to get rid of smoke, since the committee before referred to report "that the admission of atmospheric air, under proper regulations, into the furnaces, is productive of saving in fuel, by causing the particles of carbon, which would otherwise rise in smoke and be wasted, to ignite and thereby to increase the heat in the boiler." As regards the consumption of smoke in steam-vessels, the committee report "that no doubt existed in the opinions of those examined that the prevention of smoke could be accomplished in all steam-vessels." As regards the consumption of smoke in private houses they say further, "that they have received the most gratifying assurance of the confident hope entertained by several of the highest scientific authorities examined by them, that the same black smoke proceeding from fires in private dwellings, and all other places, may eventually be entirely prevented, either by the adoption of stoves and grates formed for a perfect combustion of the common bituminous coal, or by the use of coke, or of anthracite; but they are of opinion that the present state of knowledge on that subject is not such as to justify any legislative interference with these smaller fires. If, then, the consumption of smoke in furnaces be possible and desirable, the question remains, "What are the best legislative means for enforcing it?" Though appliances for consuming smoke, and an effective Smoke Act exist at Manchester, the Act has not been carried out; and why? Because the magistrates who have to impose the fines are very often themselves offenders. A system resting on the infliction of very heavy fines would defeat itself, and it seems to me that the best plan is to proceed by a system of small fines regularly levied, coupled with the publication of the names of offenders in local journals, and supplemented by the appointment of a government inspector to see that local authorities do their duty.

Mr. HOLLAND said that smoke was prevented, and therefore could be; it was

prevented in London by the imposition of penalties, which were cumulative for successive offences—what was accomplished by one man being the standard for his neighbour. It was nonsense to say that men's self-interest would accomplish all that was desirable, seeing that manufacturers had been content to burn 10 lbs. of coal per horse-power per hour to do what is accomplished in Cornwall with 2 lbs. of coal. In these matters practical men were dunces. He could hardly bring himself to believe that Mr. Spence's paper had been prepared in earnest; it must have been read to provoke debate. Soot was very far from pure carbon; and the suggestion that all smoke should be carried away in a shaft to an eminence was about the wildest that could have been made. There was no engineering difficulty about it; but it would be far better not to make the smoke than to do so much to get rid of it. Mr. Fairbairn had made one furnace consume the smoke of another, thus showing that smoke could be prevented by a good stoker. The comparison of different towns Mr. Spence had made was fallacious, because circumstances had been lost sight of which affected their health. Steam-engine smoke had been prevented, and therefore could be; it was stupid not to prevent it; and manufacturers consequently had no right to expose the public to injury.

Mr. W. Fairbairn said that thirty years ago he had no hesitation in declaring it was practicable to prevent smoke, and since that time his conviction had been confirmed by the practice of several large establishments. Under the Manchester Local Act, the support of which involved him in considerable odium, it was provided that if the inspector could see through the smoke emitted by a chimney it was "parliamentary smoke," and did not render the proprietor of a place liable to prosecution. But if smoke was to be prevented, it must be done in the furnace, and it was necessary that all engineers and stokers should understand that. If a certain quantity of air were admitted into our furnaces we might have a nearly transparent atmosphere; and this would be accompanied by a great saving of fuel. What was wanted was enough oxygen to equal the carbon. An additional boiler would often enable a manufacturer to prevent smoke without difficulty; and in Cornwall, where smoke was not made, and had not been for fifty years, there were fifty per cent. more boilers in proportion to the engines than there were in Lancashire. Why should not Lancashire, with so many engines, work on the same principles, and save coal? There was no mystery in the prevention of smoke. An Act of Parliament, stringently enforced, would soon get rid of it; but little would be done by leaving the matter to individuals, and their appreciation of the economy of perfect combustion. The smoke from domestic fires could not be prevented with the present grates; but stoves constructed on the same principle as furnaces would obviate smoke. He had witnessed the effects produced by smoke upon vegetation, and had proved that they were injurious. For a distance of from ten to twenty miles round Manchester the trees looked like black skeletons. He trusted that Parliament would, at least, prohibit smoke from large steam-engine furnaces, and that the Act would be enforced stringently.

The Hon. Arthur Kinnaird, M.P., said that an Act of Parliament for the prevention of smoke had passed some years since, but unfortunately the clause providing a penalty had been struck out.

Mr. Rumsey, of Cheltenham, reminded the section that other things besides smoke affected death-rates, which were always quoted in defence of a pet nuisance, and were totally inapplicable to the issue discussed by Mr. Spence. If black smoke were really beneficial, the logical conclusion would be, that the more furnaces emitted dense smoke the better it would be.

Dr. Macadam, concurring generally with Dr. A. Smith, dwelt on the difference between dense smoke, containing a large quantity of carbonaceous matter which the air had not power to carry away, and the diffusion of gases which came into play when the carbon was more perfectly consumed; and, referring to the question of fire-grates *versus* stoves, mentioned the use of chimneys in ventilating rooms.

Mr. Galloway offered the practical suggestion of lighting a fire at the top in order to prevent smoke.

Mr. Godwin wanted to know nothing about the best means for the prevention of smoke; it was an established fact that smoke could be economically consumed;

the thing was settled and done with. The time had come for the outer world, that outside the manufacturing circle, to insist upon preventing smoke by Act of Parliament. In Manchester, besides health, buildings were destroyed; instead of beauty there was everywhere a dulness most depressing to the spirits. Happiness was no small thing; the happiness of the inhabitants of a town all their lives was no trivial matter; and he had little doubt that an immense amount of misery was caused by smoke in Manchester and other towns. The material results of its prevalence were lamentable to the eye of a stranger. Magnificent warehouses, in respect of which Manchester stood almost alone, were destroyed in appearance in three or four years. The Assize Courts were suffering already, and it was lamentable to compare a statue put up weeks ago with one that had been up as many months. There was an Act which said that smoke was illegal here, but it had not been put in force, because those who ought to have seen it carried out imagined that they would suffer from its operation. What was therefore required was an authority which would enforce the law.

Mr. Spence admitted that he was convinced smoke could be consumed; but, he asked, *Cui bono?* Should we be in a worse or a better position? He maintained the relevance of the comparisons he had made between different towns, asserting that their conditions were similar.

Mr. Fairbairn, referring to a statement that had been made respecting the quantities of coal per horse-power per hour that had been burned, said whereas it had been 12 lb to 14 lb, improvements made within the last fifteen or twenty years had reduced the average to 5 lb, and a great deal less smoke was made than formerly. In accepting these figures, it was necessary to remember the difference between indicated and actual horse-power.

Mr. Holland said, notwithstanding this improvement, five times as much was burned as need be, and confirmed Mr. Godwin as to the reason why the existing law was not enforced. Whilst the Smoke Act was a dead letter, that relating to alkali was the opposite, owing to the supervision exercised by Dr. A. Smith in Manchester, and by government officers in London.

Mr. Watkin, of Birmingham, suggested that the difficulties of the question might be obviated largely by a resort to water-power, and referred in illustration to the Cornish pumping engines.

Mr. Colthard, of Blackburn, described an appliance which he had adopted to prevent smoke, and offered to show its working to any gentleman who would visit his establishment. It had been invented by a stoker; it was simple, and it might be fitted to any boiler at a cost of £6 or £7.

Dr. Baylis, of Birkenhead, suggested that the difficulties of the case might ultimately be met by supplying power and heat in the shape of gas, and so preventing the waste incidental to individual production.

Mr. Rendle pointed out the want of proper ventilation that ensued from a smoky atmosphere.

Dr. F. Crace Calvert replied, contending that, as several classes of works were carried on without the production of smoke, such as puddling furnaces and mills, the question of possibility was settled, and confidently denying the assumption of Mr. Spence, that it was pure carbon which floated in the atmosphere. It contained a large quantity of hydro-carbon and the products of the distillation of coal tar; and it was these carbonaceous matters which were so deleterious.

Dr. A. Smith also spoke briefly in reply, justifying himself from discussing any of the twelve dozen plans for preventing smoke on the ground that such discussions were inconvenient, when sustained by interested parties. His position had not been controverted, except in the paper of Mr. Spence, whose general views had previously been published in a pamphlet, and who had failed to establish the chemical propositions which were essential to his case.

The President quoted the evidence of Mr. Faraday before the Parliamentary committee. Mr. Faraday said that there was no difficulty, as a natural effect, in obtaining perfect combustion of smoke. Imperfect combustion, or the ultimate production of smoke, in all cases depended upon convenience or ignorance. In large fires it depended more upon ignorance than convenience, and if a manufacturer were obliged to burn his own smoke he would, in a short time, be able to do so without any pecuniary loss.

THE POLLUTION OF RIVERS.

How can the Pollution of Rivers by the Refuse and Sewage of Towns be best Prevented?

In addition to the paper by Dr. Macadam, printed at p. 443, papers were read on this question by Mr. Newton, Mr. Trapp, and Dr. Hawksley.

Mr. JOHN NEWTON, C.E., in his paper on "Sewage Utilisation with especial reference to Towns in the Valley of the Irwell," pointed out that the various methods for utilising sewage might be classed under two heads—1st. Such as aim at separating the solid from the liquid matters, the solids being dried or mixed with other material, and converted into a portable manure. 2nd. Such as apply the sewage to the soil in a liquid state. The first had had many trials, and had always failed, as 1-7th only of the nominal ingredients ordinarily exist in suspension, the remaining 6-7ths being in solution; the solid manure, obtained at enormous cost, was consequently not worth more than 2*s.* a ton. The second system had been most successful, of which three examples were given. At Edinburgh the Craigentinny meadows of 400 acres had been for a long time irrigated with the sewage of the city, with the effect of raising the annual value from £5 to £25 per acre. What little nuisance might be created arose from the open carriers in which the sewage was conveyed. At Croydon the authorities had leased 250 acres of grass land at £4 per acre for irrigation by the town sewage. The quantity of sewage diluted with rain water usually applied was estimated at 6,000 to 6,500 tons per acre, the population being 16,000. A portion of the land consisted of Italian rye grass, and the remainder of old meadow grass. Four cuttings at least were taken between April and October, yielding in the case of the rye grass from 30 to 35 tons per acre, estimated at from £25 to £30. No nuisance whatever was created, the soil acting as a deodorant. Important experiments had been made at Rugby by the Royal Commission on sewage. Two fields were selected by the commissioners, and divided into four equal parts to receive varying quantities of sewage. The average yearly weight of grass produced during the years 1861, 1862, and 1863, was:—

	Tons.	Cwt.	
Without sewage	9	6	per acre.
With applications amounting to 2,575 tons .	22	5	„
„ „ 5,203 „ .	30	6	„
„ „ 7,728 „ .	32	8	„

These experiments proved that the liquid sewage of Rugby was worth upon grass land 7-8ths of a penny per ton where 3,000 tons are annually supplied per acre, 5-8ths of a penny with 6,000, and nearly one-halfpenny per ton when applied at the rate of 9,000 tons per acre. In 1864 no sewage was applied to any of the land with this result; the hitherto unsewaged land produced grass worth £1 12*s.* 2*d.*

per acre; the land irrigated during the three years with an average of 2,575 tons per acre, produced £2 16*s.* 8*d.*; that irrigated with 5,200 produced £4 6*s.*; and that irrigated with 7,728 produced £4 2*s.*; thus demonstrating that land was permanently improved by liquid sewage. No nuisance whatever had been caused at Rugby. Mr. Newton then proceeded to apply these facts to the valley of the Irwell. He estimated its drainage area at 190,000 acres, its population at 1,000,000, and the sewage at 26,000,000 of gallons per day. At a halfpenny a ton, this would be worth £87,000 a year, which was now wasted by the inhabitants, who incurred the further loss inflicted by a high poor-rate and a high death-rate. Conduits might be constructed along the valley through which the sewage from each town and village would be conveyed by gravitation to a point near the Irwell, several miles below Manchester; there the sewage would be lifted 50 feet and forced through an arterial system of iron pipes on to Chat Moss, Risley Moss, and other lands situated between six and fourteen miles west of Manchester. Land might be obtained there to the extent of 12,000 acres, one-half of which now lay waste, but might if thoroughly drained become as productive as the Craigentinny meadows. The cost, exclusive of land, but including all other expenses, would not exceed £400,000, and the annual working expenses £10,000. The value of the sewage had been stated before at £87,000 annually.

Mr. S. Clement Trapp, C.E., in his paper on the "Pollution of Rivers," after some general observations on the connexion between dirt, disease, and crime, observed that although it was questionable whether the transfer of a nuisance from our towns to our streams was a step in the right direction, there could be no doubt that, in a sanitary point of view, great benefits had accrued to the towns. Might not those benefits, however, have been secured in another way? Without constituting himself a champion of the cesspool, he submitted that if the same energies had been devoted to the improvement of that system as had been given to the water closets, our streams would have been more free from pollution. He admitted that the midden system, as it exists in Manchester, was an intolerable evil, and ought to be got rid of; but the substitution of water closets would be as great a nuisance. No doubt if you contrast a water closet in good order with a badly constructed and neglected privy, the former has the advantage; but a better contrived and more skilfully and frequently cleansed cesspool would answer the purpose better and keep our streams pure. An inspection of the closets at a popular place of amusement, or at large railway stations, would afford evidence that the system is not one to introduce among the operative population. What was wanted in such towns as Manchester was a combination and improvement of both systems, together with other sanitary measures, one of the most important of which was a large extension of the air-space about and in the rear of buildings. He regretted that the Town Council of Manchester, in their proposed

new bye-laws, stipulated for only a five feet passage between the backs of rows of houses; it should be nine feet at the least. Mr. Trapp advocated the positive prohibition by the legislature of the pollution of rivers by sewage, in which case all that was fertilising would find its way to the soil; whether in a solid or liquid state would depend on local circumstances. Both methods must be tried till the best system had been discovered. In some places the change would be more costly than in others, and such places might possibly be assisted by a rate over the water-shed area of the streams thus benefited. But at some cost or other liquid sewage might always be put upon the land, and wherever the water-closet system exists irrigation should be compulsory. He could not agree with Mr. Hawksley's assertion (in a recent report on the sewage of Rochdale) that the "use of sewage water applied in considerable quantities is productive of an intolerable stench equally obnoxious to comfort and health." He had been to Carlisle and could not there detect the slightest smell from the application of the sewage as carried out by Mr. McDougall. The cost was the great bugbear; and it was no doubt difficult to persuade people that sanitary reform was a positive gain to the community; yet such was the case. In a poor district within the borough of Macclesfield, comprising four streets, the relief paid to the inhabitants in 1848 amounted to £158 5*s.* 6*d.*; the houses were often untenanted and scarcely ever free from fever. This district was paved and sewered at a cost of £1,541, and in 1858 the relief paid was £25 4*s.* 9*d.*; the saving in the rates considerably more than paying the interest on the outlay.* What would be the expenditure of £200,000 to such a place as Manchester compared with the reduction of the death rate from its present high figure to 23 per 1,000? A public rate of less than three-half-pence in the pound yearly, on the present gross value of the rateable property in Manchester and Salford, would extinguish the debt in thirty years, even if no income were derivable from the proper disposal of the sewage. But unwilling ratepayers were hard to convince, and it would be well if the necessary sanitary works were made compulsory on local authorities, the permissive system having been tried long enough and having failed.

Dr. Thomas Hawksley read a paper, on "River Pollution," of which the substance has been published (with other matter) in a pamphlet form.† The positions which Dr. Hawksley endeavoured to establish, were these:—1. That the refuse organic matter cast free in the communities of mankind, and particularly in our great metropolis, is of immense amount—that it is of great value when properly

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* For the results attending Sanitary Improvements in the town of Macclesfield *see* "Sanitary Measures in a Provincial Town, and their Results." By John May, of Macclesfield. *Transactions*, 1857, p. 408.

† *Matter, its ministry to life in health and disease; and Earth, as the natural link between organic and inorganic matter. By* Thomas Hawksley, M.D. London: Churchill & Sons.

treated and applied—that it is a source of great, varied, and increasing evil to the public health if mismanaged and ill-applied—as well as a serious drain on our resources, and the food of the people. 2. That the present mode of dealing with it fails to utilise it; but, on the other hand, so misapplies it, that it has become a source of considerable pollution to our breathing air, and our drinking water, entailing the gravest consequences on the health and welfare of the mental and bodily state of the population, specially on that of the humbler classes, lowering the standard of vitality and of mental and physical vigour, causing much general disease, and the spread in a very rapid and fatal degree of epidemic diseases, especially of cholera, and fevers of a low type. 3. That the existing method of sewerage is essentially an error from the beginning, and is incapable of satisfactory improvement. 4. That the employment of dry earth for absorbing, deodorizing, and utilizing the material in question, affords a complete, salutary, and highly profitable method of accomplishing all the objects of the sewerage system. Dr. Hawksley maintained that the amount of earth required to carry out a system of dry earth closets for the whole of London would be under 1,000,000 tons per annum; that this amount would be readily obtained from agriculturists, who would send their soil by rail to depôts in London, and receive it back in the same way, enriched by refuse organic matter. By dividing the population (say 3,000,000) of London, averaging six persons and two closets to a house, into 500 sections, and each section into 10 sub-sections, each of the latter taking the care of 200 closets, and having a man and a boy, a waggon and a pair of horses, the work would be done in the following manner:—The waggon would start in the morning (from one of the depôts) with a load of earth sufficient for the two days' consumption of 100 closets, this would equal in weight one ton and twelve cwt., and would be contained in 100 pails, the earth in each being equal to thirty-six pounds. The man and boy would deposit two of these at each house, and take away in return two other pails, placed over night in readiness, and which would contain the refuse of two closets for the two preceding days. The following day the same process would be gone through for the other 100 closets, or fifty houses in the sub-section, and so on; thus the management would be complete in each sub-section from year to year. Dr. Hawksley entered into elaborate calculations as to the cost of such a system and the receipt to be derived from it, and maintained that on the lowest estimate the balance of profit, after defraying every expense and paying the inhabitants 3s. 6d. a head per annum, would amount to £182,000 per annum. He contrasted this with the much smaller profit likely to be realised from the irrigation system, which, moreover, left unredressed the crying evils of polluted air and water. The drains and sewers, an enormous laboratory of pestiferous gas, and the deadly adulterators of our water, must, under an irrigative system, remain as they are, the chief cause of those zymotic diseases to which the preventable half of our mortality is due.

DISCUSSION.

Lord Robert Montagu, M.P. I consider that this question really lies at the root of the whole matter of sanitary reform; there is nothing which deserves the name of sanitary legislation unless it provides for the purification of rivers. We have a common law right to pure water as much as to pure air; and impure water is as much, or perhaps more injurious to the constitution of man than impure air. I propose to deal entirely with the question as it has been brought before us by the papers just read, and in doing so, I must confess I feel a considerable amount of diffidence, because my friend Mr. Rawlinson, the Government engineer, is present. He knows more about this subject than any man living. He was on the commission opened in 1865 to investigate this question, and I earnestly hope that before we separate, he will give us a little of the knowledge he acquired on that commission. I am sorry Dr. Macadam, in the first paper, did not apply the great ability which he showed in that paper to the whole of the question. He seems to have regarded it from one point of view, instead of all the points in which it would have been advisable to consider it. He seemed to think we ought to consider the injuries resulting from impurities of air. That is a question which has been dealt with in the House of Commons before now, and pretty well disposed of. The battle we have to fight now, is that which relates to impurity of water. It was on that ground he spoke of the gases which escape from the putrefaction of sewage, and for that reason he said he considered sewage worse than manufactures and mines; because pollution from the latter did not tend to putrefy and evolve gases, while sewage did. If we are to consider the injury done to air, that may be a true view to take, but if we are to consider the injury to water, I think it is a false view. With regard, first, to mines, he said he doubted whether we could adopt any means for the removal of the difficulty; I think he has made a slight mistake there. The means in many cases—I will not say in all—are very simple and very efficient. Take the case of lead ore. All the lead is not dissolved, it is not in solution, it is in suspension. If, therefore, you put it into running water, it may be carried down the stream, but if it rests, the very weight of the small particles of ore will carry them to the bottom. The proprietors have found out a plan for their own gain. They dig pits and let the water run into them. The ore will then subside, and in a few days the whole bottom is covered many feet in depth with lead ore, which can be extracted with much greater ease than from the mines themselves. The owners of coal mines have found it to their advantage to dig pits, and let very small particles of coal, which were being carried away by the river, be deposited, and out of that deposit they make a fuel or substance for lighting fires. About the only instance of a mine where the substance is in solution and not in suspension, is that of a copper mine. The copper is dissolved, and therefore to allow the water to rest, will not necessarily make the copper subside to the bottom. But at the consols mine in Cornwall, it was discovered that the loss of copper was enormous, in consequence of what the water took away. The company therefore dug a pit, and into that pit threw old cart wheels, horse-shoes, nails, old barrels, and all the old iron they could get. When iron is put into water that contains copper, the iron is dissolved and the copper is deposited. And therefore after the lapse of a few days, the whole of their pit was covered some inches in depth with small particles of the purest copper. The amount realised by the company, I understand, is £500 a-year, and the pit did not cost one-fifth of the sum; this being clearly to their profit. In the case of tin works, there may be perhaps a little more difficulty. In tin works they have to wash the plates of iron with vitriol before they can apply the tin, and the vitriol with which they wash the tin is allowed to flow into the river and pollute it. But here it is easy to prevent it, because if you dig a pit, and fill it with ashes or cinders, and allow it to run into this, the whole of the vitriol is separated from the water, and pure water runs into the river. In that case it costs nothing to the owner of the tin works, because the ashes of the coal he uses will answer the purpose. I think

I have shown that in a certain number of mines it is very easy, and that in a great number it is a source of gain to the owner, to separate matters which pollute the river from the refuse, before turning it into the river. Is it as easy in regard to manufactures? If it were not, the case of manufactures would stagger us, because the interests involved are enormous. Look at the manufactures of Manchester, how valuable they are, what a source of wealth to the country. And anything which would interfere with that wealth and with the productions which are here made—I will not say should not be undertaken, but should be deeply considered before it is undertaken. But even in that case, the lives of men are of more value than the wealth produced in Manchester, and compulsory legislation should take place. But we hardly need compulsory legislation in many instances. Take the case of gas works; that is a very good sample. Many years ago the gas liquor was turned into the rivers, and the nuisance was intolerable. A compulsory Act, laying a very heavy penalty, I think £200 on conviction and £50 a day for every day it was continued, on any gas company turning the liquor into the rivers was passed, and means have been discovered for making use of the gas liquor. It was thought to be a case of hardship, and the gas owners opposed the bill; but nevertheless, it was carried. Did the gas owners lose by that compulsory legislation? By no means. They found it out to be a gain, that gas liquor, instead of being turned into the rivers, is utilised, and the substance produced has become an article of commerce, a source of gain to the gas companies manufacturing it. Let us take the case of bleaching works. Formerly chloride of lime alone was used for bleaching. Yesterday I visited some bleaching works in the vicinity of Manchester, and made inquiry into the process. The foreman, a very intelligent man, explained to me that formerly they used chloride of lime, but now, he said, "we always get chloride in water—we call it all the same, but there is no lime in it; that we found to be both cheaper and more successful in the bleaching operations." What is the result of that? When chloride of lime was used, the lime used to get into the river with a great deal of chloride, now they use chlorine alone in water, and, therefore, there is no lime to escape to pollute the water. You may think that some of the chlorine escapes, but in these works they do not let it, because when the chlorine has run off from the substance being bleached, it is run into a well and a little more chlorine added, and it is utilised for another operation; therefore, in the case of bleach works, it is not necessary to pollute the river at all. I went to some dye works, and found that indigo dye seemed to be more commonly used than any other dye. I asked, do you let any indigo run into the river? I was told that some of it was lost, but very little. I asked, what plan do you pursue so as not to lose it? The man who was explaining it to me said, they put the indigo into a vat and mixed it with copperas and sulphuric acid in order to fix it, the substance to be dyed was put into it, and abstracted a certain quantity of indigo; they merely added a little more copperas and sulphuric acid, and used it a second time, and so on through six vats; so that by the very desire for gain, the amount of indigo which runs into the river has been diminished. I have no doubt that if every manufacturer and owner of dye works pursued the same course the river would not be polluted. Here again, the stoppage of pollution of the river is no injury to the dyer, but saves the indigo. Allusion was made to paper manufactures in Dr. Macadam's paper: in that case there are four distinct refuses. The first, the third, and the fourth, are excellent manures, and, therefore, it would be much more beneficial to the paper manufacturer to sell them to the farmer as manures, than to let them run into the river. They might be a source of gain, therefore we will put them out of the question. The second refuse arises from this: the substance, esparto grass, or rags, as the case may be, when cleaned has to be put into a strong solution of alkali, and the alkali has then to be washed out of the rags. According to the present system they turn into the river the whole of the strong alkali. The paper maker has contended that such a quantity of water was required to wash the substance free of alkali that he must pollute the river; but the paper maker has found out that he need not lose all this alkali: it is valuable to him, it may be used again, it is a source of gain if he does not let it run into the river; he turns a small amount of water on to the rags, or the

esparto grass, and by this means washes out from 90 to 95 per cent. of alkali; he lets that run into a cask and can use it again, so that it is saved by him and the river is freed from it. You have five per cent. remaining, but in a river of moderate size the effect would not be perceived: therefore, in the case of the paper maker, it has been acknowledged, that in one of the most difficult matters to deal with, it may be made a source of gain and not injury to the manufacturer to be compelled not to pollute the river. I think that Dr. Macadam asserted that the only plan to pursue would be to give up some rivers to the manufacturing interests, but can you conceive such partial and unjust legislation being carried out, and imagine that it would be beneficial? I think that Dr. Macadam will agree that we could not consider that point further. I pass to the question of sewage. I believe that there is only one means of freeing rivers from that pollution. We tried one element first—we tried to put it into the air, but that did not do; we tried another element—water, and found that would not do; and we must try another—put it on the land, and that will do. Dr. Macadam seemed partially to allow that the experiments with regard to sewage were successful, and that all sewage might have to be put on land instead of water: but there was still some hankering feeling in his mind, and he could not help pointing out a few injurious issues which might result from such a process. He reminded us that the air over the Craigentinny meadows was very foul. Doubtless persons might assume that wherever sewage was utilised, the air would be foul. Now that I deny. It is not a proper or logical conclusion, and I know it is not always so. I have been at Croydon in the month of July, when sewage is more or less worse than in any other month, and the sewage ran at my feet, and I could not detect it; and although it had run over the whole field half an hour before, there was no nuisance. Mr. Rawlinson utilised sewage at Worthing, but it is not a nuisance there—it is a great source of gain, and nobody has said that it produces disease there. But I know—from my own experience twenty years ago—I know that it does not cause a nuisance. I once possessed a farm in Ireland, and the utilisation of sewage had hardly been mooted at that time. It occurred to me to see if it could be done, and I built cesspools, and utilised sewage about my house, and farm and garden near to my house, and no person knew what I was doing. It was no nuisance to me or anybody else in the house or vicinity. Therefore I can answer for it that the utilisation of sewage does not cause the slightest injury. The air is foul over the Craigentinny meadows because they utilise the sewage in such an abominable manner: not through pipes, but they have ditches, and the foul sewage collects on the sides of these ditches and pollutes the air. That is one reason why it is foul. Another reason is that they have the sewage of a large part of the city run into much too small an area. The consequence is that the foul matters, instead of being dissolved, remain there, and the filthy water runs off. I should be astonished if the air was not polluted. The Edinburgh people might make more money by extending their area. Dr. Macadam said water retained impurities, though transmitted through soil. Doubtless, if you put too much sewage and too little land, that is the case. But why is it that land purifies water from sewage, so that it fertilises the land? That it does so we have proved at Croydon. The people had to pay £24,000 in litigation, and Vice-Chancellor Wood gave judgment that they must put the sewage on the land. They have utilised it: the water runs through the ground and is purified. I have stood on the river, and seen that the water is pure and full of fish. How is this? Professor Way, the great chemist, was the first to make this discovery, and a most extraordinary discovery it is, and has made a sort of revolution in chemical science. The aluminium or clay in the earth has a sort of affinity with these matters containing ammonia. They seize upon it and take it out of the earth; but it is a limited power, and if you take too much you will give an over dose. If you extend your area you will find that the soil does separate the sewage from the sewage water. At Worthing, Mr. Rawlinson uses the same water three times over. It is poured on the top bed, and then collected and used through a second and third, so that it is certain to be purified before it runs into the river. So strong is the affinity of the clay, that sewage water is more purified by running through a clayey soil than by sinking

four feet through a gravel soil. The profits by utilisation on farms have been so enormous that farmers have refused to believe it. In one instance £53 an acre was cleared by means of the use of sewage. That was an exceptional instance; but the commission have stated that they see no reason why an approach to £15 an acre should not be cleared in every instance. I will not enlarge upon that point any longer. Mr. Newton alluded to the Croydon sewage, and allowed that the facts were marvellous. The Croydon sewage is much weaker, because the water supply is so large. They put it at 40 gallons per head a day. But what makes it so great is the large number of springs. And if the results there are so great, what will they be from richer and more powerful sewage. I think that disposes of the question of the purification of rivers from sewage. I will now allude to the paper of Dr. Hawksley, who ably enlarged on the evils of allowing sewage to run into rivers. He said Mr. Moule recommended earth closets, and ended by saying that if this were adopted the Thames would be cured. Let us consider the case of London for a moment. Where is all the soil needed by this plan to come from? There are three millions of persons in London. Mr. Bateman, the engineer, told me that to supply London with the necessary earth every year, would require 400 acres of ground, six feet deep. This would have to be brought into London by carts, and the substance, when used, would have to be taken out of London in the same way. Consider the hundreds of thousands of carts which would be going through London with the soil. Every one about town, from ten or eleven to five o'clock, knows what a block there is in the city; but if you were to add the thousands of carts with this stinking material, how are you to get through London at all? There is another point. Mr. Moule endeavours to get over this difficulty by showing that the soil could be dried and used again. Where are you to dry the soil? Would any one like to dry it in their own house? Then, again, there is the enormous expense. Consider what the expense in Manchester alone is for half that operation. It costs them £20,000 to empty the cesspools out of Manchester; and in London, what will carting it both ways cost? Then there is the further difficulty of attending to these closets. It is all very well to take a model house here and there, where the greatest attention is paid to these earth closets, and where everything is done with the nicety of a chemical experiment; but when you put it into the hands of servants, who don't care one way or another, I ask what house would not be polluted? We come now to the last point, for the chairman has given me leave to move a resolution in favour of compulsory legislation to purify rivers. I think I have shown that instead of this pollution being necessary, if persons only knew their interests, corporations of towns would utilise the sewage, and make it a source of gain, manufacturers would retain the refuse from their works, and miners would retain the ore and use it, instead of polluting the rivers. But I have shown you, in one case, that the gas owners did not learn their interests until they were obliged to do it. You could not prove the matter; no demonstration was strong enough; it was only when legislation stepped in and said, "You shall not pollute the rivers," that they found out the source of gain. It is not the first time compulsory legislation has been resorted to under the Health Act of 1848. A certificate would cause the removal of any business which was a nuisance, from London or any other town, and no compensation was given. Again, under the Model Lodgings Act, even a justice of the peace might order the discontinuance of a business which was considered a nuisance. There was compulsory legislation. Take the Land Drainage Act, which enacted that any person who allowed filthy water, the workings of manufactures or mines, to flow into a water-course, was guilty of a misdemeanour, and liable to be fined in a heavy penalty. The same was extended to Ireland. The Fisheries' Act contains stringent clauses forbidding the pollution of rivers, because it kills the fish. And are you to have compulsory clauses for that purpose, and not ask for them because it kills men? The Nuisances' Removal Act imposes a penalty of £200. These are general Acts; but you will find that the corporations of towns have put such clauses into their bills—Cheltenham, Manchester, the Metropolitan Building Act, the Mersey and Irwell Act. I understand that the Salford people got a clause inserted which permitted them

[illegible] sewage [illegible] the Bill [illegible] very cleverly [illegible] General Act [illegible] the local Act should not take effect. That was very [illegible], and I hope we shall have a general Act for [illegible] Dr. Malcolm [illegible] this pollution of rivers [illegible] over one water-[illegible] a certain river, and therefore [illegible] a general [illegible] Take London as an example. [illegible] the river at London was [illegible] the people of London did care, and [illegible] London represented as well as other [illegible] Bill [illegible] Mr. Bright [illegible] Mr. [illegible] Health. The [illegible] to govern the [illegible] prevent the pollution of rivers. [illegible] Bill, which establishes a [illegible] and one clause, the third, [illegible] within the [illegible] years. [illegible] with regard to the [illegible] clause [illegible] following resolution:— [illegible] against the pollution [illegible] against [illegible]

Mr. R. Rawlinson (Mr. [illegible]) [illegible] Government did not place Lord Robert Montagu upon the [illegible] I have the honour to serve. [illegible] and the [illegible] would have been of [illegible] Bill will concur [illegible] facts. We know that rivers are polluted to a fearful extent [illegible] persons of all classes, and I think there [illegible] pollution which it is just as well to clear away. All the evils which [illegible] are supposed by some people to spring from rivers. Now I am not going to advocate the pollution of rivers, but I am going to show that although a foul river is a nuisance, it is an advance in civilisation, and we must advance still further to do away with it. When you had pure rivers in this country, you had no sanitary regulations in your towns; you had the plague, sweating sickness, and the black death; sanitary improvement has swept away that type of disease, and now we have cholera, typhus fever, typhoid fever, and all the other forms of fever, and it is very natural, I must confess, to infer that polluted rivers have something to do with creating these diseases. I am speaking in the presence of medical men, and I am bound to tell you that the discharge of effete matter into running water is a very great improvement upon the ash midden, the cesspits and cesspools crowding amongst your dwellings. This city of Manchester has been examined in detail by the late Dr. Southwood Smith, and my friend Mr. Holland, with the express desire to find out whether the most severe types of disease afflicting the popula-

tion were attributable to the foul rivers; they were bound to come to the contrary conclusion: therefore, although the rivers are very foul, they have to a certain degree not caused those evils which are laid to their charge. In 1859, when the Thames was so foul that Parliament sat with all its windows closed, the Registrar General knows that there was a low rate of mortality that summer. But I am not going to advocate the pollution of rivers. They are polluted and obstructed by many causes. At present the riparian owner does whatever he thinks fit with the river frontage he owns. In Lancashire, Yorkshire, Gloucestershire, South Wales, and in all other parts of England and Wales, any owner of a mine, any owner of manufactures, or, in fact, any riparian owner, uses the water and abuses it to, as he supposes, his own advantage and to the great disadvantage of all below him. How are these rivers abused? In this way; water has a great power of moving solids as well as fluids. I find that streams are made the tip for the refuse from the mills along their banks; they never cart a pailful away, but throw it in wholesale, and the material settling on the bed of the stream, it is gradually raised. I have inspected bridges, which I was told a cart could have gone under when they were erected, but when I saw them a dog would have had difficulty in creeping through. The bed of the stream is raised above the adjoining land, and large areas of land are submerged and made swamps. You have only to read the papers of the last two months to learn how crops have been destroyed, and villages rendered miserable by this outpouring and flow of water, the result of this throwing into the bed of the streams that which ought never to be allowed to go there. Lord Robert Montagu has explained so clearly the process of several manufactures, that I can have very little to add. I can only say that, in some preliminary inspections in Yorkshire, we found that the manufacturers, without compulsory measures, were doing many things which tend to the purification of their streams. The washings of wool, which used to pollute the rivers in the most obnoxious form, because the refuse became putrid, can be so treated as to take out the soaps and oils, and then the water that passes away is by no means so injurious. Leeds is the great centre of the cloth manufactures of Yorkshire, and there I learned what I did not know before, and what few of us know, that Leeds is not only that, but it tans more skins than any other town in the country—2,700,000 per annum—and the refuse of this is now sent into the streams, because there is nothing to prohibit it. The bark is occasionally discharged in the same way. I found the readiest promises of assistance, and the greatest possible willingness to give information; the only plea they have why they did not individually do what they ought to do is this; they say "What is the use of my going to the trouble and expense of doing this for myself when those above me are doing the contrary? Let Parliament put us all into the same boat, let wise measures be drawn up, let the restrictions be as severe as possible, and let them be administered equally and evenly for all parties." One of the manufacturers in Yorkshire said to me—"I would rather have a pint of clean water than a gallon of dirty water, but I can get nothing now but the dirty water." Now this gentleman had large tanning works in Leeds and in the country, and he had tried how he could utilise the waste products of the tan yard. His first experiment had been a great failure: he had carried the refuse of the tan pit to the top of a field and laid it on the surface in an undiluted state, and the consequence was, the material burned the grass like fire. He subsequently diluted the tan refuse with a certain proportion of water, and tried irrigation, and we saw a crop upon his field this summer which he said was three-fold better than that of any of his neighbours; he was satisfied he could utilise every gallon of refuse, and not send anything into the stream as formerly. The same may be done with bark, and when incorporated with another material it is a good manure. We have heard that irrigation by sewage is obnoxious, and that in some instances it creates a great nuisance in the neighbourhood, and produces disease. I know Dr. Macadam is a great and advanced sanitary reformer, and I am sure that if his paper is read rightly, you will find he does not say that because they have these smells at the Craigentinny meadows, you cannot irrigate without having such smells; as he described it, the experiment there is done upon a cross scale. At Worthing, as described by Lord Robert Montagu, the

sewage is brought on to the land and does not pollute the air. It is made to pass through covered carriers with outlets into the field, and it sinks into the subsoil and all sense of smell is gone. With regard to the products, the first crop taken from the land at Croydon, produced upwards of twenty tons per acre; but it is necessary to say that you cannot repeat that: the first crop is always the best. In the case of Italian rye grass every crop lessens, until it becomes a question whether we should continue the growth of that plant, or break up the land and have a root crop, and then begin with heavy crops again. There has been one drawback. The amount of crop from properly managed land is so enormous and rich that it will not bear distant carriage or keeping, and requires to be consumed as quickly as possible, therefore, there must grow up with this utilisation of sewage, what I may term a milk and butter manufacture; for beyond all question the most profitable method of utilising the grass, is to give it to milch cows and produce milk and butter from it. The charge has been brought that the milk so produced was not so good, and the butter not so sweet. Lawes and Gilbert, who have investigated the matter thoroughly, say that the milk is as sweet if not sweeter than other milk, and the butter as good, and will keep as long. I have no inclination to follow Dr. Hawksley in his advocacy of earth closets. I believe, in isolated cases, where you cannot carry out a system of drainage, and perhaps for small villages, they may be used with great advantage. I should be very sorry to say one word which should disparage their use, and if they have not in them the elements of success, Dr. Hawksley will not cause them to succeed. But one difficulty was named by Lord Robert Montagu—the multiplicity of operations which must accompany their use. You know all the advantages of the present mode, but if you have other elements to bring in, and are to be dependent upon other means, I think that in great towns and cities you would hopelessly break down. All the west end of London has closets; there are no such things as cesspools. The dried ashes are stored in covered places and taken away through the day by men. But it is with very great difficulty that you can get them removed regularly, and there has grown up a system of bribery, which I am sorry to say I do not see any way to put down. These men ought to take them away gratuitously, but I can never get them taken away except by fee; and I am afraid that if I had to wait until they chose to take everything away, I should find my house in a curious difficulty sometimes. Sewers and drains and irrigation may be so arranged as not to cause a nuisance in poisoning the atmosphere, and to do the greatest amount of good with the least possible chance of injury. But the sewers and the drains and the arrangements must be far more perfect than we have been hitherto acquainted with. You must not have big square-bottomed sewers, in which everything passing along leaves a sediment at the bottom to filter into the subsoil. Towns must be sewered in such a manner that everything shall pass away as continuously as it is passed in. There has been an objection raised that sewage utilisation would break down in winter; that you cannot continue it all the year round. That question is clearly and practically answered at Croydon. There the sewage has been utilised for several years continuously, during frost and snow, and during the heat of summer. All you want is proper arrangements for putting it on the land. If the first process will not purify it, then arrangements should be made for making it pass through more than once, until the last vestige of refuse contained in the sewage is left behind. In passing it through the land the water combines with something in the soil, and leaves the sewage on the surface. It has been said that you cannot utilise sewage on a clayey soil. Now experiments have shown that a heavy clay soil is better adapted for it than a gravel soil, and there are sewage farms in use on the dense London clay with the greatest success. It has been said that 60 inches per acre must inevitably make a quag, but I have inquired where we have this summer put more than 120 inches upon Worthing ground, and the man said "I could have done with twice as much sewage, and in proportion as I put quantity on the land I got weight off it." They have put the whole sewage of Worthing on some 25 acres of land, simply because they had not got a larger area into proper condition: but they are making preparations for several miles. I sincerely hope that the question

will come out in some practical shape. You may rest satisfied that Parliament will not enact any compulsory measures, which shall destroy trade, or be burdensome to the community; but will only accept such recommendations as shall be capable of being carried into effect for the benefit of all, and, if possible, to the injury of none.

Dr. Elliott (Carlisle), seconded the motion.

Mr. Ryland (Birmingham): The 49th section of the Public Health Act of last session does give compulsory power. If the local authority does not exercise the powers of the Act, the Secretary of State may order the work to be done, and charge the expense to the borough fund. This is regarded as a compulsory power, and has operated very beneficially on the town council of which I am a member. The amount of our sewage is 15,000,000 gallons a day. We were considering the best mode of disposing of it, and were discussing the Croydon system when this Act was pointed out to us, and had great influence upon those who were hesitating what to do. The sewage of Birmingham has been poured into the river, and as that was a nuisance to Mr. Adderley, who resides ten miles from Birmingham, he obtained an injunction from Vice-Chancellor Wood, which prohibited the town council from pouring the sewage into the river. That was obtained some years ago, but with great consideration on the part of Mr. Adderley it has not been pressed, pending the experiments which were being made. I wished to call attention to the fact that there was already compulsory legislation, and to suggest that it would be wise to stipulate in our resolution what kind of legislation beyond that existing is required.

Lord Robert Montagu: I was on the committee which framed the Public Health Act, and the 49th section was framed with the object of enforcing the Nuisances' Removal Act—an old Act which was found to be insufficient.

Mr. E. Potter, M.P.: I must say that many of the provisions in that Act are thoroughly impracticable. I shall be glad to hear of any remedy, because I am a great user of water myself; but any one who pays attention, for instance, to the watershed of the Mersey, will come to the conclusion that there ought not to be compulsory legislation without considerable inquiry. In fact, the inquiry should not be a local one, but should extend to the use and abuse of water all over the United Kingdom. I believe upon the Mersey, above Warrington, there are 700 miles of streams and brooks as black as ink, and that upon them there are 600 or 700 manufactories, all needing the water as clear as they can get it for the purposes of pollution. The volume of water which passes under Warrington bridge is something like 200 million gallons a day; there being 40 or 50 million gallons a day for domestic purposes, and the rest is all needed for manufacturing purposes. It is impossible to make any use of that water for domestic purposes; and if you are to have your rivers clean, you must provide separate sewerage to the sea for manufacturing purposes. The same remarks will apply to the Clyde and the Black Country. If the streams are to be kept pure, you must have separate sewage for the pollutions from manufactures.

Mr. Bateman, C.E.: In the figures relating to the earth closets which I gave Lord Robert Montagu, I find I overstated the amount—the quantity of soil, as I understand Dr. Hawksley's figures, required to be carried into London every day is two million cubic yards, and that would require 200 acres six feet deep every year, instead of 400. However, that is sufficient to make it impracticable. We are indebted to the construction of the houses in this part of the country for the preservation of the rivers from the pollution they receive in many places where the water-closet system has been adopted. In this part of the world water-closets are an exception in cottage houses, and the material being carried away in a solid form, the rivers have been very much less polluted than they would otherwise have been. Black as the streams are, they are not nearly so foul or injurious as they would have been had they been sewered in the great stride of civilisation, which Mr. Rawlinson delights to dilate upon. I do not know how the pollution of streams can be prevented better than by compulsory legislation. Still there are difficulties in the way. In this neighbourhood, every acre of ground is occupied, until it is almost one great cotton metropolis, and you can hardly find a place to which you could apply the sewage, and it would have to be carried to a

distance. With reference to the Metropolitan Sewage, it was said it was useless to try the irrigation on the Maplin Sands, but from ground composed wholly of sea sand, 27 tons of crop were got in two months, and sold for £1 per ton. A clayey soil must be drained and broken up to allow the sewage to percolate through it. I think the irrigation system will gradually be adopted; the great difficulty is to know where to apply it in a country teeming with population.

Mr. HOLLAND: A field manured in the ordinary way is more offensive for a longer period than an irrigated field. When we inspected Manchester, we found that the great majority of the courts we went to were very much more oppressive than the river, even at its worst. Mr. Rawlinson suggests that the most profitable way of using the crops is to supply milk. The small supply at present to large towns is a great evil, and if they could be supplied with greater quantities at cheaper rates and as good in quality as what is obtained now, it would be a great improvement.

Dr. TRENCH (Liverpool): I must speak on this subject from a practical point of view. I will not enter into the discussion with regard to the best mode of taking refuse from towns; I consider that removing it by subterranean channels by water is best; at the same time, I think it is a vexed question which ought to be investigated more minutely before we speak dogmatically. I should like to see this great and opulent town try some other experiment. I am not wedded to the use of water as the only means. In this matter we have made the mistake, which as Englishmen we too often commit—we get upon one tramroad and go, right a-head. But you will agree with me, that two modes in the same city are radically wrong. I will not question whether water closets are right or whether what Dr. Hawksley recommends, which in reality is only the old Lancashire midden, is right—but both cannot be right in the same city. You cannot seek in a town like Manchester to adopt large works for carrying off and utilising your sewage, when three-fourths of your people are not using your drainage. It cannot but be unjust to make a compulsory law for a mode which can only apply to one-fourth. I, therefore, would have suggested to Lord Robert Montagu that he should put into his resolution with regard to the speedy removal of refuse, that in some towns some definite arrangement should be made. That if Manchester liked to have the cesspools, at least all the town of Manchester must submit to them. If the Manchester princes will have the cesspool for the community, let them have it for their own dwellings.

Mr. Alderman CAWLEY (Salford): Mr. Holland has astonished me by his description of the courts of Manchester: but it should be explained that that was where the most noxious manufactures were carried on, and I never found them in the state the Thames was in 1859. Nothing short of compulsory legislation will produce the result which we desire; but we ought to deal with the question from a sanitary and not a commercial point of view. There are some substances which cannot be carried away by water. Lord Robert Montagu has spoken of the clause inserted in the Act by the people of Salford, to allow them to let their sewage run into the Irwell. The whole of the sewerage of Manchester goes into the river, and the question was put whether it was right to take away the power of draining into it from Salford, without taking away that power from Manchester.

Mr. HERON (Manchester Town Clerk): I have been amused with the extraordinary accounts we have had from Mr. Holland of the courts of Manchester; but his memory would not enable him to tell us when those visits took place. I attribute a good deal of the difficulty we now experience throughout the length and breadth of the land to the injudicious counsel and advice which has been given in years gone by, by Mr. Holland and others working with him, to the legislature. I believe the Government, acting on their advice, began at the wrong end—to compel everybody to foul all the streams in the country by turning the sewage of houses into them. If they had considered what would be the necessary consequence of that compulsory legislation I think they would have hesitated before they had attempted to carry out, to the extent which has been done, the water-closet system. The cesspool is always a nuisance, but the ash-pit is less a nuisance than the water-closet in a house. A gentleman who worked in

the matter with Lord Robert Montagu, found his water-closets, after he had introduced them at great expense, to be a nuisance, and reconstructed his ash-pits and privies upon an improved system, with the most complete success. We have refused to introduce water-closets into small premises in Manchester, and I glory in the fact. We brought in a bill a few years ago for the purpose of getting power to raise this important question. That bill was unopposed except by a local association. Mr. Adderley said he should not oppose the bill. Mr. Holland opposed it, and successfully of course; all we wanted was to ventilate the subject. I asked the gentlemen who opposed the bill before the committee, what would be the cost of carrying out their plan, and they could not tell me. It wants a practical plan. I quite agree with what Lord Robert Montagu said in favour of a central board having authority over the whole area.

The CHAIRMAN: I am requested to ask Mr. Heron how often the contents of the middens in Manchester are removed?

Mr. HERON: There is a regular staff. They remove about 100,000 tons a-year, going to the houses in rotation, it being understood that any person who may require it removed before his turn has only to send a note to the office, and in forty-eight hours it is attended to. It costs us something like £20,000, and something like one-half of the amount is obtained by the sale of the manure.

Dr. GAIRDNER (Glasgow): I understand Dr. Trench to say that we should not become bigoted advocates of any one system: I agree with him, but he seemed to think that although the State should not take up any one system, each individual town must do so, and employ that one system exclusively. I think it would be a great misfortune if that idea were to get abroad. The difficulties in Glasgow of adopting any single system are not only enormous, but such as to make it absolutely impossible to dispose of the refuse by any single system. You must have removal by water, and I take it for granted that the higher classes will not submit to have the convenience, and I might say luxury, of water-closets cut off now-a-days. [Dr. TRENCH: I should object to water-closets in the houses of the very poor in Scotland.] We remove the manure in the manner described by Mr. Heron. I wish to state my firm belief that the great towns will have to employ more than one system. I believe in the principle adopted in Dr. Macadam's paper. Government should force towns to remove by water so as to be not injurious to streams, and then you must have another system not by water, and you must make that pay its own expenses.

Dr. MACADAM, in reply, said: Lord Robert Montagu to some extent misconceived the object of my paper, when he stated that I intended to give up certain rivers to the manufacturing interests, and urged that if we had laws for the protection of fish we ought to protect the health of man. I distinctly mentioned that certain rivers were to be given up to the manufacturing interests, so far as they were compatible with the health of the neighbouring population, and that all practicable means should be adopted by manufacturers for the purpose of arresting any such nuisance. With regard to water filtering through the soil, I can assure Lord Robert Montagu that it ought not to be used for dietetic purposes.

Dr. HAWKSLEY said: The chief features of my paper seem to be agreed upon —that compulsory legislation is necessary, and sewage ought to be turned to useful purposes. With regard to the quantity of earth required by the earth-closets, Lord Robert Montagu should have been more careful in what he said. First he said 400 acres 6 feet deep; and then Mr. Bateman corrected it into 200. If he had remembered that I said the earth could be used several times, that would have diminished the quantity considerably—it would, I suppose, reduce it to 50 acres of 6 feet. But the objection falls to nothing when you consider how many thousands of acres of land there are in England that want manuring. Let it be sent to London, and we will put the material into it, and send it back three or four times increased in value.

Lord ROBERT MONTAGU: Mr. Ryland says it is not necessary to pass this resolution in favour of compulsory legislation, because we have it already. He means that the opinion is authoritatively declared that we must compulsorily put a stop to this pollution. In that case an opinion is declared in my favour, and I cannot see how anybody can object to the resolution. Mr. Adderley had to obtain an

injunction against the town of Birmingham. Now the Nuisances' Removal Act was in existence at that time. If it were operative, why did he proceed to a suit at law? Because it did not apply. With regard to the 49th section of the Public Health Act of this year, I may inform you that that Act only enables persons to apply to the Secretary of State, and to ask him to enforce the Nuisance Removal Act. Well, if the Nuisances' Removal Act was not operative, this section which enables you to enforce it is not operative. Therefore, I maintain, that the resolution is necessary. With regard to what Mr. Potter said, he thought I wished to compel manufacturers to their own injury to desist from polluting streams. I endeavoured to show in detail, taking manufacture by manufacture, and mine by mine, that instead of being an injury, it would be an absolute gain to them to retain the refuse, and sell those substances which now pollute the rivers. And I mentioned the case of the gas manufacturers—a large trade having arisen in the substance which used to be thrown away.

The resolution was then carried in the following form:—"That, while it is necessary to remove, as speedily as possible, excreta and refuse from houses it is advisable to procure eventually compulsory legislation against the pollution of rivers by the sewage of towns; and that the Council be requested to petition Parliament to compel towns and manufactories to use all practicable means for arresting such pollution."

ADULTERATION OF FOOD.

What Legislative or other measures should be employed more effectually to prevent the Adulteration of Food?

DISCUSSION.

The paper on this question, by Dr. Alfred Hill, will be found at p. 450.

Dr. Haughton: One great difficulty in the way of improvement is, that the public taste has become vitiated, so that adulterated articles are in many instances preferred. With regard to legislative measures, I think the utmost publicity should be given to the fact of adulteration having taken place in any particular case, and the name of the offender and the nature of the offence should be made public; for a tradesman lives by his character, and this might have the effect of deterring others. The only article which is not adulterated is salt, because nothing cheaper can be got to adulterate it. Manufactured cocoa is almost invariably adulterated, and it often happens that the manufactured article is sold for less than the cost of the raw material. This is a question for no half measures and the best thing to be done is to appoint a public officer, who should have no private *animus*, and let him go round and examine samples, selecting them at random, and if he finds anything wrong let him make it known.

Mr. W. H. Rumsey, Cheltenham: We must be careful to avoid imperfect legislation, for interests would be created which it would be difficult to supersede, and we should have very great difficulty in getting amendments made. We must have a public prosecutor, for you cannot convert a whole community into private informers: individuals object to the odium attaching to an informer. It would be very difficult to arrive at a decision as to whether adulterated articles are injurious to health or not, and therefore I hope to see the principle of the French law adopted, when a fraudulent adulteration, whether injurious or not, will be the basis of punishment. Fines and imprisonment, however, tend to perpetuate the evil, for people do not like to send their neighbours to prison. Let us therefore adopt the plan of publication, and after a third or fourth conviction let a penalty be added.

Mr. J. H. Raper: I do not regard the present Act as injurious in itself, but it is undoubtedly very deficient. It is a permissive Act, and has been discussed

in many town councils, but adopted only in Birmingham. That town is invariably referred to in order to see what effect it has had, but unfortunately it has been comparatively powerless, because the analyst has no power to initiate inspections, or to make requests for analysation. This has discouraged the application of the Act, and it can only be amended by giving more power to the analyst. I do not think the French plan would find favour here, and we are therefore shut up to some mode, similar to that indicated in the present measure. It must however be considerably amended before municipal bodies can adopt it.

Mr. HENRY PITMAN: I think law will not touch this matter. It is not a question for analysts; it is a question of honour in trade. I believe the cure of the evil will be found in removing the temptation; and I believe that has been done in co-operative stores, both retail and wholesale.

Mr. GALLOWAY: There should be a list published of the shop-keepers who adulterate articles of food, and there ought to be a special inspection of the manufactories where food is prepared.

Mr. P. H. HOLLAND: I beg to move "That the attention of the Council be called to the necessity of amending the Adulteration of Food Act."

Mr. RUMSEY seconded the motion.

Dr. ANGUS SMITH: I may mention that when the Sanitary Association of Manchester made an examination of food in Manchester, we bought food at the small shops in inferior parts of the town, and we believed it to be a fair specimen of that sold to the poorer classes; but we found no mixture of substances pernicious to health.

Dr. RANSOME: But although the mixtures were not actually prejudicial to health, they were in a large proportion in many instances, and were therefore exceedingly fraudulent.

Mr. R. RAWLINSON C.B; It must not be forgotten that the retail dealer is dependent upon the wholesale dealer, and therefore the publication system might break the heart of an honest-minded man who was not at all to blame. In framing any measure of this description, a view of this kind should be taken; and if an article of food is found to be adulterated, it is not merely the retail dealer who should be dealt with, but we should follow it up to the wholesale dealer, before punishing the retail dealer

Dr. HOLDSWORTH: I would suggest that in a case of detected adulteration, it should be with the person charged to show he was not to blame in the matter.

The motion was carried.

HOSPITAL NURSING.

Miss Garrett's paper on "Volunteer Hospital Nursing" will be found at p. 472. A paper on "Workhouse Hospital Nurses," of which the following is a condensation, was read by Mr. George Greaves, Consulting Medical Officer to the Chorlton Union Hospital.

Mr. GREAVES observed that one of the greatest deficiences in the economy of workhouse hospitals had been in respect of the nursing of the sick. It had been thought that the duty could be adequately performed by those female inmates who were incapacitated for the more laborious duties of the house, and that no superior knowledge nor special training were necessary. The results had been seen in the fearful disclosures of the metropolitan workhouse infirmaries. The guardians of the union with which he was connected had, however, been guided by a wise liberality in providing accommodation and attendance for the sick, and for several years past the number of paid nurses, as well trained as it was possible to procure, had been increased as the necessity arose, and the nursing arrangements had been

completed by being taken under the care of the Sisterhood of All Saints', Margaret Street, London. Mr. Greaves detailed the circumstances under which the sisters were brought to the Chorlton Hospital in the autumn of 1865, when the prevalence of typhus had caused a panic among the paid nurses; and he described the wonderful effect produced by the arrival of these ladies. For confusion and panic they substituted confidence and order; there were no more desertions among the nurses; a softening and refining influence was produced on the sick by the presence of Christian gentlewomen; the medical officer felt that the orders were being conscientiously carried out; and a considerable saving was effected by a better supervision over the management. A fear had been entertained lest the sisters should proselytize, but it had been found to be without foundation, as appeared from the testimony of the chaplain after a twelvemonth's experience. The sisters of All Saints' indeed did not consider that they had any commission to proselytize; their duty in hospitals being to nurse the sick, their ministry that of the body. Mr. Greaves further said that voluntaryism was a most precious ingredient in all good works, but it needed regulation by authority. Mere dilletante visiting and nursing were apt to be irregular and fitful, if not injudicious. Such work could best be done by those who, like the members of a religious establishment, had been trained to habits of order and obedience. Female influence so regulated was a precious element in the management of a large workhouse. The Poor Law Commissioners therefore rightly gave to the matron power almost co-ordinate with that of the master. But all matrons were not perfect. The guardians, as men, could not perfectly supervise the conduct of a matron, at least in reference to the female inmates. Neither could the inspectors. A few female inspectors, women of high social station, qualified for the task, would do more to improve the condition of our workhouses than any of the other remedies which had been proposed.

DISCUSSION.

Dr. Franklyn: All who have heard this admirable paper must, if they have had experience in the work, concur to a large extent, if not entirely, in the conclusions which Miss Garrett has come to. I think it must be conceded by every one who has had such experience, that perhaps more important than the skill and sagacity of those who have to prescribe remedies, is the administration of them. Futile almost would be the efforts of the profession, if they were not seconded by the application of the remedies by skilful hands, and the supervision of the patients by those who are trained and adapted for the work. It is a momentous question, and one which has been taken up very frequently—how best to supply this want. I think with the reader of the paper, that voluntary service should not be relied upon, and that it is essential that it should not be undertaken as a profession by ladies even in the commercial sense, or in the higher sense. I think it would be very unwise and improper to interfere with the especial requirements to which some are being trained, and more especially do I believe that these voluntary efforts should be looked upon, as they have proved to be, as pioneer examples, to be followed by those who will in time become better adapted for the work.

Dr. Stewart, (London): As one who has had experience in this matter, having been attached to one of the large London hospitals, I have had great pleasure in listening to this paper. I think that the views enunciated by Miss

Garrett must commend themselves very largely to those who have had much experience in hospital nursing. I entirely agree with her views as regards the propriety of ladies engaging as a general rule in such an occupation as hospital nursing. There is one qualification which was not mentioned, but which is often a very important one, and that is bodily strength. That is required to an extraordinary degree in many cases, for patients are sometimes very heavy, and require frequent changes of position. This is a matter which in many lingering diseases is one of the most important that has to be attended to. Then as regards the obtaining of the qualification. That can only be got by very hard work, and a large amount of drudgery of an unpleasant kind, and it is Miss Nightingale's belief—I have it in her own hand-writing—she has been obliged to give up lady nursing entirely, because she finds there are so very few ladies who will submit to the drudgery and the unpleasantness to obtain a thorough knowledge of nursing. This is an opinion which ought to carry great weight, and I am entirely of opinion myself, from my experience of Kings' College, that the supply of lady nurses is exceedingly small, and is not a source that can be relied upon. Then as regards the discharge of the duties, I am certain of this, that if there be a proper wage given, you will have no difficulty in finding the supply of persons that you desire for habitual nursing. And if you take proper care in selecting them, and that is a great matter, you will get just as admirable women from the middle and lower classes, as from any other quarter. We have many nurses who would have done honour to any class of society, and whose high religious principles and conscientious discharge of their duties make them a model. I think that in discussing this question we have been apt to forget those who were pioneers in this good work. Their labours have, perhaps, since been eclipsed by others. The remarkable labours of Mrs. Fry in this direction have produced a great amount of benefit. The institution in Devonshire Square for hospital nurses, is surpassed by no institution in the kingdom; and you need never be at a loss to get good nurses, trained on sound principles.

Mr. Bracebridge: I had the honour of attending Miss Nightingale for nine months in the Crimea, and I must to some degree contradict the statement of the last speaker, that she has given up lady nurses. Now, Miss Nightingale has been ill for some four or five years, she writes from her bed with a pencil, and is obliged to write aphorisms, in a very sententious manner, for the saving of time. Any single affirmation therefore cannot be taken to contain her whole mind upon any subject. In the wide meaning of the term, I venture to say that Miss Nightingale has not repudiated lady nurses. She did not think the character of a lady was the first and only qualification of a nurse; but if a woman was an excellent nurse, and had all the requisite mental, moral, and physical qualities, and happened providentially to be a lady, then I think Miss Nightingale would, as she has done, hail the advent of that lady with the greatest joy. Her principle is, first a woman, then a nurse, and thirdly a lady. In Liverpool, an excellent institution is superintended by a lady, and there is a similar one in Birmingham. Why should we not establish in this and other large towns, male and female committees, who could select persons for education for hospital nursing? I have just been in Prussia, where the whole country united for nursing the army. All classes, from the highest to the lowest, were allowed to participate in the work, provided their characters were good.

Dr. Stewart: I have simply to reiterate what I said. Miss Nightingale has given up her dependence for a general supply of nurses upon "lady nurses."

Mr. Holland: I think there is another class of ladies who would be invaluable, not exactly as nurses, but as organisers. I was yesterday at the hospital at the Chorlton Union, where the system was introduced last year with wonderful effect. Two ladies were sent down from London to take charge of the nursing. Before they came the place was in thorough disorder. There was a complete panic amongst the pauper and paid nurses. Infectious fever was in the place, and two nurses had died, and the others were all in fear. But when the two ladies sent from London to undertake the supervision of the work, showed that they had no fear, and that there was no real danger, the courage of the subordinates revived, the panic ceased, and order was restored. These ladies had strong religious feelings, and some fear was expressed lest they should tamper with the

religion of others. They were watched with suspicion, but nothing of the sort occurred, and full confidence was felt in them. I asked if anything of the sort was now suspected, and the reply was, "not the least." They are strong in their own religious convictions and feelings, and are strong in their respect for the feelings of others. You will not get any one to undergo such risks without strong feeling. Money will not buy it, and what motive is there but religious motive, that will take them from their homes and comforts, and expose themselves to danger? But the hearts of the people who engage in this work are too full of their duties to allow them to proselytize. Ladies of refined and delicate natures are frequently valuable assistants in nursing, and that they often prove to be the best of nurses, is shown by the case of Miss Nightingale, who is a lady in the highest sense of the word, and if she is not also a good Christian, she is certainly a very good imitation of one. In all hospitals there is a risk of something improper going on, but anything of the sort is quickly detected by a bright-eyed, well-educated woman—for women have an instinct for detecting anything which is wrong. A work similar to that I have described has been done in Liverpool, and I know nothing more satisfactory.

Mr. Bracebridge: We should not forget the labours of Miss Shaw Stewart, who was all through the Crimea, and has laboured well in this work. She is now the head of a government establishment, the largest in England, and which has to supply all the war hospitals and the army.

Dr. Ogle (Derby): During the last eighteen months, my attention has been directed very pointedly to this question, and I have visited a great number of the nursing schools throughout the kingdom, and have corresponded with others. I would venture to say with reference to the remark made by Miss Garrett, that you might divide the nursing community into two classes, commercial and religious, that I believe that that which is commercially right may be thoroughly religious. I know that ladies will undergo the drudgery of nursing if they have a heart in the work. But there is a difficulty in obtaining the right sort. I have tried to get them but cannot succeed; and those who know of persons willing to engage in this work, would do a great service by putting them into communication with the Liverpool Institution, the Nightingale School, the Manchester and other nursing institutions. The great thing which is necessary is proper organisation. I am delighted with your Manchester institution; it has a true woman at its head.

Dr. Stewart (Dublin): I am government officer over nearly 600 hospitals in Ireland, and I know that I have had great difficulty in getting ordinary respectable nurses that understood how to do their duty. I have found volunteer nurses very much more to be depended upon than paid nurses, and I hope that many ladies will volunteer their services.

Dr. Routh (London): It appears to me that the argument against paid nurses is that they are of bad quality: and we must admit it *in toto*. The nurses as they are paid throughout England, are not only bad, as Miss Garrett says, but very bad. But why is this? Take your every day experience. If you want good servants you must give them good wages, and if you want to get good nurses, you must pay them well. It is exactly the same principle. If you give it out to the world that you want good nurses, you may depend upon it you will get the commodity the moment you make the offer. You will find that as many will come forward from among the lower classes as from any other, to work for the love of religion. There is abroad, a large class of persons who stand between the class of persons you want here, and sisters of charity. In some cases a great number of these women do their duty conscientiously and well, but in other cases they do the very reverse. I have many times gone into the Parisian hospitals, and found the medical men at daggers drawn with the sisters. The only explanation to be given is, that many of these women who are brought in under the belief that they are religious and well-educated women, take up this occupation as a sort of trade, and in course of time become quite unfit to perform the duties. With regard to Miss Garrett's paper—I have seldom heard more elegance of diction and true womanly feeling. A great deal has been said about the employment of women, and I do not see the consistency of proposing by the substitution of a class of unpaid nurses to take away the means of livelihood from the thousands of women who, with proper training, would become fully equal to the performance of these

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duties, and would not have less sympathy with physical suffering because they are poor. I say you have no right to take away from those who wish to earn their bread, the means of occupation. I think the plan recommended by Miss Garrett is that which above all others ought to be carried out; and I hope we shall see the day when nursing shall be left to a superior class of Christian women, who have been educated and trained to their duties.

Mr. Rendle: I am sure the ladies must be very proud of their sister, Miss Garrett. I have never heard a paper in which so few words were used that were unnecessary. I believe in the existence of ladies in every condition of life. As a parish surgeon I have found them among the poor, often receiving parish pay. Society is much to blame in this matter. The habit hitherto has been to put the status of the nurse very low indeed, and the result has been that a class of persons were employed who were given to drinking. When the people at the head of parishes select such persons to attend to the poor, and when hospital nurses also are in a low status, how can we expect that they will work up to a higher standard, or enter upon the occupation with a better spirit? One of the best hearted, tenderest fingered, and best conducted of nurses, is one of the poorest women I know. Ladies may come in now and then. Their very presence is a great thing in time of panic. Others then see that they are not afraid; and I believe the cholera has been cut short very much in London by the absence of that panic which arises when the rich run away, and the poor in consequence become fearful. If you will pay properly and honour properly women of any rank in life, you will have no want of as good nurses as you can desire.

Miss Garrett: I will first answer some special objections which have been raised. Mr. Bracebridge spoke of the fact that ladies were amongst the nurses following the Prussian army. I should imagine that was the case. In cases of emergency there is no reason why the rule of confining ourselves to paid labour should not be departed from; for it is extremely desirable in cases of epidemic or national crisis that courage should be shown. The fact that ladies have attended cholera hospitals, or an army, has done much to keep up the spirits of the nurses. In that view they would probably be much more valuable than an inferior class would have been in the Prussian army. Miss Shaw Stewart was spoken of, and I should shrink very much from saying anything against that admirable lady; but I cannot imagine she would work the worse for receiving £1,000 a year for her services. If she were a man she would receive that, and I do not suppose she would work less well for it. I do not know that she is not paid; perhaps she is. She is at the head of the hospital administration, and it is a post which a woman might reasonably desire to hold at a large salary. Mr. Holland has said it is impossible to get lady nurses without strong religious prejudices. I should think without strong religious feeling it is exceedingly difficult to get ladies who will stay for any long time. No doubt the extreme dullness of their ordinary life will lead a few to do anything, but not any number that will stay year by year in hospitals. Dr. Ogle said I drew a distinction between the commercial and religious principles. I did not mean to say that those who were paid were commercial, and those who were not paid were religious. I spoke only of the motive for taking up any special employment. If a person takes it up for the sake of a living, you cannot say but that they are commercial. Suppose a widow does that particular work, of course the work ought to be done in a religious spirit. It was said that ladies would not undergo the drudgery. From my experience they do not stop at drudgery. It is also said that there is a difficulty in getting nurses. Then, of course, we come to the prime question, what is the salary you offer them. My position is that you will get them if you offer enough. If the gentlemen who spoke of this difficulty were in the habit of offering £50 for a head nurse and £21 for other nurses I should be very much surprised if there was a difficulty, but probably they have offered £20 for a head nurse, and proportionately less for the next nurses. Foreign nurses have been spoken of. I have no doubt they look exceedingly well, but I have seen that Parisian hospitals are not so perfect and orderly as those in London. There is more prettiness about those in Paris, it is very pleasant to see ladies about, and the walls decorated with pictures and flowers, but I do not think the wards were as clean as they are in London hospitals, where the nurses are all

paid and looked after. Mr. Rendle has said he believes there are ladies in all classes. The experience I have had leads me entirely to join in that opinion. I have seen as much real refinement and sweet dignity of manner to patients among poor women of the paid class as among ladies; they were ladies in the true sense of the word, although otherwise they would be called poor women.

The CHAIRMAN: It is not usual for us to thank readers of papers, and we cannot officially thank Miss Garrett for this paper, but I think I shall be justified in saying that it is an admirable paper, and particularly distinguished by what Englishmen all admire. There has been no nonsense about it. Miss Garrett has announced a principle which has considerable novelty in its application to this particular question. It is quite clear she proposes to apply to nursing the same principle which regulates nearly all the work of the country. That has been argued very fully, and I am sure this question will be very much advanced by the discussion. There is one point in which I think everybody will agree, that the present nurses might be very much improved if you could select a higher class of women and pay them better. Let us try and get a better class by paying such salaries as enables you to get the best class of workmen in the country, either for servants or other employments.

MORTALITY IN CHILDBIRTH.

The following is an abstract of the Paper read by Dr. Edmunds on "The Mortality of Maternity, with Suggestions for its Prevention."

The causes of death to women during the period of lying-in may be classed as puerperal and non-puerperal.

Puerperal deaths are due:—1st. To the accidents and irregularities of childbirth. And as the occasion of childbirth occurs to women in various degrees of health or disease, and organised with more or less of physical perfection, we must regard it as one in which a certain proportion of deaths is to be expected. 2ndly. To certain forms of general febrile disease which are peculiar to mothers at these times. These are designated as puerperal or childbed fever, and appear in the bills of mortality as cases of metria. They may be regarded as almost invariably abnormal, aud susceptible of prevention.

Deaths due to non-puerperal causes occur during the lying-in period just as they occur at other times. One group depends on pre-existing organic disease, such as consumption or heart disease, cancer or paralysis. Another group arises from an attack of the common contagious diseases, such as small-pox or scarlet fever; and it is well known that women when lying in are wonderfully prone to take any sort of infection, and much more liable to die from its effects than at other times.

That women in the last stages of organic disease should often break down in the crisis of childbirth is not to be wondered at, and must be accepted as part of the order of nature; but that healthy women in mature life should be destroyed in their bloom by causes almost entirely preventable is a fact which demands investigation.

The statistical data which I have been able to procure on this subject refer only to the deaths of women in childbed from true

puerperal causes. But such considerations as may be fairly deducible from the spreading of true puerperal fever will apply also to the spreading of the other less contagious fevers which are not included with puerperal causes of death. A long series of disasters has established the rule that a person who has once visited a case of puerperal fever must on no account venture near another lying-in patient until thorough disinfection has been practised and several weeks elapsed; and I shall endeavour to extend the application of this salutary rule, and show that the present custom of employing as midwifery attendants medical practitioners who attend also to cases such as those of contagious fever, *post mortem* examinations, or foul wounds, is fraught with continual peril to our lying-in women.

In all England and Wales, the average mortality of lying-in women from true puerperal causes of death amounts to 1 in every 200 registered births. In London the proportion for the last five years has been 1 in 208. The census of 1861 gives the medical men in London as numbering nearly 5,000, and these are mostly accoucheurs. The midwives in London number 190. As the midwives are chiefly employed by the out-door maternity charities of the metropolis, it is obvious that the general population of London is chiefly attended by medical men who are engaged also in general practice, in which the treatment of infectious cases forms a most important part. The Royal Maternity Charity attends large numbers of women in London, and the records of its practice for the last sixteen years, 1850-65 inclusive, show—

Deliveries 50,620

add 1·3 per cent. for twin and other plural cases, and we get

Births 51,295

The deaths of mothers during the lying-in period were as follows:—

From all causes, 135, or 1 in 380 births.

The maximum mortality occurred in the year 1860, when there were 14 deaths to 3,829 births, or 1 in 239.

The minimum mortality occurred in the year 1856, when only two mothers died in 3,340 births, or 1 in 1,670.

Of the 135 deaths from all causes there occurred from non-puerperal causes, such as consumption, cancer, or paralysis, 49 deaths, or 1 in 1,047 births.

Non-puerperal causes were most fatal in the year 1860, when 9 mothers died to 3,829 births, or 1 in 425; and on the other hand there were two years in which only 2 mothers died to 6,408 births, or 1 in 3,204.

Puerperal causes account for the remaining 86 deaths. Therefore, these 51,295 births show an average of only 1 death from puerperal causes to every 596 births. Puerperal causes were most fatal in 1859, when 11 deaths occurred to 3,829 births, or 1 in 348; and there were two cases in which only 2 deaths occurred from puerperal causes in 6,399 births, or one in 3,699.

These statistics show that the maximum mortality of the patients of this charity from all causes has never even equalled the average mortality of the general population from puerperal causes alone; and it will be seen from every aspect of these figures that the mortality has been strikingly less among the poor patients of this charity than that which occurs among the parturient women of the rest of London.

If we confine our attention to the figures for the last five years (1861-5), and deduct the births and puerperal deaths of this charity from those of the rest of London, we get the following results:—

Royal Maternity Charity: Births, 16,686; puerperal deaths, 24, or 1 in 695.

Rest of London: Births, 489,256; puerperal deaths, 2,412, or 1 in every 203.

Therefore, the practice of this charity shows a mortality from puerperal causes of less than one-third of that which occurred among the general population of the rest of London. Now, the patients of the charity are "poor married women," living in the worst parts of central London, and attended at their own homes by comparatively illiterate midwives. A large number of these poor women have been exhausted by the rearing of large families; many of them are worn down by hard work and bad living, while a considerable proportion have procured tickets for this charity, in order to provide against the expectation of an unusually difficult or dangerous time. The rest of the population of London comprises many of the best fed, best tended, and best housed women in the kingdom, and is attended almost entirely by gentlemen in general medical practice. Of the charity's patients about 97 per cent. were attended solely by midwives, although there are medical gentlemen appointed to assist the midwives in cases of difficulty or danger. I may add that the result of every case was recorded whether attended by midwife or doctor.

One of the physicians to this charity, who is also president of the Obstetrical Society, recently said, when in the chair of the society, "Puerperal fever is very rare among the poor women of the Royal Maternity Charity; for one case among these women he saw ten cases amongst the easier class."

We get a still more startling disparity in comparison with compact bodies of fact furnished by other out-door lying-in charities. I take those under the care of the very same obstetric physicians, and differing only in the circumstance that the patients are attended by educated medical men in place of illiterate midwives.

Thus the records of Guy's Hospital out-door maternity cases show for the last two years: births, 3,215; puerperal deaths, 19, or 1 in 169.

The last published records of the London Hospital show births, 2,768; puerperal deaths, 14, or 1 in 198; and of these 14 deaths 10 were caused by puerperal fever.

Now it is well known that medical men in general practice, however careful they may be, must often hurry from contagious cases to the lying-in room, and are frequently the means of conveying infection

and death to parturient women. Are we to conclude that the women who, during the last five years have died in London from puerperal fever have chiefly been destroyed by the casual production of this fatal disease through those who have been resorted to as an extra safeguard?

But unless some other explanation of the present mortality of our women in childbirth be afforded it appears necessary to submit:—That the practice of midwifery should be separated from the general practice of medicine and surgery; and that this proposition can be best carried into effect by promoting the education of women in the science of midwifery and the accessory branches of medicine, so as to raise up a new order of skilled midwives on a level in obstetric science with medical men.

DISCUSSION.

Dr. Routh said Dr. Edmunds had attempted to cry down the profession, and to stigmatise them as the sources of puerperal fever and the deaths among lying-in women. He must say, in reply, first, that some kinds of puerperal fevers were not conveyed by fomites, but only by direct inoculation. Such was the case of the fever in Vienna. There were two obstetrical divisions there, one exclusively attended by midwives, who studied operations on the phantom; and one for midwives and medical men combined, tha latter learning the obstetrical operations on the dead body, and also pursuing pathological inquiries. Puerperal fever was rife in the latter, very rare in the former. All sorts of means were taken to prevent its occurrence. All failed till Dr. Semelweiss, the physician to the division, compelled everybody, before making an examination, to wash their hands in a solution of chlorine. The mortality at once ceased. The cadaveric poison retained *subter ungues* had led to inoculation of a poison which determined puerperal fever in the recipients. It was not the clothes which conveyed the poison. But secondly, sometimes clothes did. Now, how was it that the mortality from puerperal fever in the *Maisons des sages femmes* at Paris was so great? How was it that in the Maternité at Paris, where only females were admitted to practice, the mortality from the same cause was so excessive? No one could deny that, from the nature of women's clothing, they were much more liable to convey infection than men. Thirdly, great stress had been laid upon the returns of the Maternity Charity in London, because attended by midwives. This was stated to be 1 in every 695, whereas that for the rest of London was stated as 1 in every 203. But first the Maternity of London had only to do with central London. The worst parts of London, on the other side of the river, and in the eastern districts, were not included, where most poverty and disease existed. Now, looking at the Registrar-General's Report for 1864, the three divisions of London give the following results of deaths from metria, *i.e.*, puerperal causes only: London part of Middlesex, 1 in 344; London part of Surrey, 1 in 425; London part of Kent, 1 in 325. Does Dr. Edmunds mean to imply that this greater mortality in one part of London, as compared with the other, is due to the greater number of medical practitioners employed in the one place as compared with the other? Moreover, taking England as a whole, why should it be 1 in 683 in the South-eastern Division, 1 in 688 in the South-western, and 1 in 415 in the South Midland Divisions? Clearly, midwives had nothing to do with this diminished mortality here, and why elsewhere? The difference lay in the nature of the localities and cases. But fourthly, exclude doctors from midwifery, and all their superior knowledge is lost to your patients. A midwife, if well taught, must study all the branches of medicine, and, therefore, be as dangerous as a doctor. If she only learns midwifery, her special knowledge contracts her ideas. Epidemics of puerperal fever vary in type, character, and form. Only she who understands general medical knowledge could treat bad cases. To call in medical men would be dangerous, according to Dr. Edmunds, and,

therefore, it is wrong to do so. Fifthly, then, again, one fact entirely overlooked by Dr. Edmunds, was, that in all bad cases the maternity midwives could call in the aid of medical men, and this not only in puerperal fever cases, but also in every difficult labour case, such as forceps, craniotomy, turning, &c. If so called in, and they did not produce puerperal fever among the maternity cases, was this not opposed to Dr. Edmunds' views? Sixthly, If a man was not to attend cases of labour, lest he should convey contagion to them, so you ought upon the same principle to have a different medical man for every different contagious disease, lest he should carry infection from one to the other, which was absurd. He had himself met with somewhere about seven cases in private practice. In all but one, he believed the contagion came from the nurse or midwife, not himself. He must say, moreover, that the disease was more curable among poor women than among the rich. Hence cures will more frequently occur in the maternity cases, and deaths not be recorded; but their frequency was greater among the poor than among the well-to-do women. This he believed was mainly due to the low type of the disease. Very, very few women would be competent to undertake difficult midwifery. Craniotomy was a trial to most men. The Cæsarean section was worse; but many operations in midwifery, even in some forceps cases, required not only dexterity and moral, but physical strength, which women did not possess. Lastly, if proper measures were taken of cleanliness, preventing any accumulation of poisonous matters under the nails, and change of clothing when necessary was adopted, men were in every way safe accoucheurs, and not a bit more likely, if so likely, to carry contagion as women.

The PRESIDENT (Dr. Farr) expressed his opinion that the practice of male midwifery was as successful in this country as in any other.

PUBLIC HEALTH OF LANCASHIRE.

The Report on the Health of Manchester and Salford, by Messrs. Ransome and Royston, will be found at p. 454.

Dr. ROBERT MARTIN read a paper on the "Cause of the High Rate of Mortality in Liverpool." He pointed out the great efforts which had been made in that town during the last twenty years to improve the health of the inhabitants, and their success in reducing the death-rate from 36 per 1,000 in 1846 to 25 per 1,000 in 1860. Since that period the rate had risen year by year until in the last quarter it had reached 50 per 1,000. During the last few years there had been no relaxation of effort on the part of the sanitary authorities; the increase could not be owing to overcrowding, for the thinning of the population in the worst districts and its spreading to the out-townships had diminished that evil. Indigence, another reputed cause, had operated more strongly in other parts of Lancashire, where the public health had improved instead of deteriorating. The sanitary appliances of Liverpool were perfection as compared with many places, and the water supply was immeasurably better than that of London. Intemperance appeared to be the most powerful cause of the evil; whilst in the rest of Lancashire there was a diminished consumption of intoxicating liquors, in Liverpool, owing to the great development of the licensing system, and the increased competition caused among the publicans, there had been a large increase of intemperance. This evil begot all others: overcrowding, indigence, filth, mental depression; all of which predisposed to typhus. The Liverpool Health Committee, recognising these facts, had recom-

mended the council to apply to Parliament for an Act to control the sale of intoxicating liquors.

Dr. MARTIN also read a paper "On the Evils of the Lancashire midden system," with suggestions for their removal. He described a Lancashire midden as containing a mass of fermenting filth constantly generating noxious gases, excited into increased action by every shower of rain, or the throwing in of waste material. The surrounding houses day and night were pervaded by a midden atmosphere, producing depression of mind and sickness of body in those exposed to their influence. Water closets had been objected to, first, because of the expense entailed; secondly, the difficulty at certain houses of providing a proper supply of water; thirdly, disarrangement in the hands of ignorant persons; fourthly, waste of valuable materials and the pollution of streams. Earth closets were not so expensive; and they involved no waste of material, nor pollution of rivers. But they involved expense in the alteration, and difficulty of procuring the proper supply of earth. By roofing over the present middens, so as to keep out all moisture, and by inspection, together with the application of dry earth or tan charcoal, the evils of the present middens might be greatly diminished, and valuable products conserved.

DISCUSSION.

The Earl of SHAFTESBURY, President of the Association, made some observations on the report of Messrs. Ransome and Royston, and said that he heartily concurred in nearly all that had been said. It would be productive of the greatest benefit if the recommendations which were made were carried out. He hoped stringent laws would be passed to prohibit the building of houses back to back, and the construction of any *cul de sac*, both of which were inconsistent with health and morality. There had been instances in London in which thoroughfares had been made through places that had been open at only one end, and the result had been a general improvement in the character and demeanour of the people. The people who lived in these horrible courts, and seldom emerged beyond their portals, were just as wild and inaccessible as if they were in the heart of Timbuctoo. When people talked of the causes of crime, they often did not see that many of the causes were remediable by a little legislation. He believed it could not be gainsaid, that in nine cases out of ten a diseased population was an immoral population, and that as much intoxication came from disease as disease did from intoxication; the two acted and reacted upon one another. To improve the moral condition of the people we must improve their domiciliary condition; and in doing that we should destroy the appetite for spirituous liquors. Intoxication was almost forced upon the people by the depressing influence of the localities in which they lived. Having gone for hours together through filthy localities, he could assert from experience that the atmospheric influences, the sights, and the smells he exposed himself to produced such a weakness and faintness, that he would have given anything for a glass of spirits, even of gin, to sustain his sinking nature. If that were the case with himself, who was generally well fed and in good health, what must be the case with those who lived in such places perpetually, who practically never breathed fresh air, and who did not know what was meant by oxygen, scientifically or practically? Therefore, we could not do better than institute such amendments as were proposed in the paper; and officers should be appointed to carry out these amendments, not by vestries and local boards, interested in the existing abominations, otherwise the officers would be only cloaks to mischief, but by independent authority. The responsibility of each officer should be clearly defined; he should be well paid, and he should protest day and night

against abominations until public opinion swept them away. Under conditions which had been sketched in the address of Mr. Bruce that morning, education was impossible, and it was idle and useless to expect that it should be advanced. He had been in rooms in London occupied by nine or ten persons, and in one which had a family in each of its four corners; and all efforts to educate and humanise must be neutralised by such overcrowding and the indecency it involved. It was, however, a grand thing that working men could be got to take an interest in these matters, scientifically, experimentally, and practically; and he was gratified by the earnestness and intelligent appreciation exhibited at the meeting in the Free Trade Hall.

Mr. Rendle said it was an abomination that Manchester had not long since had responsible health officers. He considered that health officers should be appointed by a central authority, and supported his argument by stating his reasons for resigning his post as officer of health for St. George's, Southwark.

Dr. Trench (Liverpool) touched upon the importance of removing the dead from the living without delay, and stated that in Liverpool mortuaries were to be provided, and that for the Irish Roman Catholics, among whom prevailed the infectious diseases by which the death-rate was swollen, a Protestant gentleman, Mr. Hutchinson, late mayor, would build a mortuary chapel, so that the offices for the dead could be performed in accordance with the Catholic religion. He also illustrated the difficulty of enforcing the Common Lodging Houses Act to prevent overcrowding in the cases of large and destitute families.

Mr. Godwin, F.R.S., had visited what had been named to him as the best common lodging-houses in Manchester, and in more than one instance he found four beds in a room, each occupied by two, and sometimes by three persons, the space for eight persons being 105 cubic feet each. This was illegal, and the fact was a reproach to the inspection. In some other houses, rooms were occupied by men and women indiscriminately; and in one room there were eleven persons, men and women, including a woman who had just been confined. It was a monstrous fallacy to say Manchester could not be better sewered; he had looked into places that were fearful to contemplate. As to saying that Liverpool was perfectly sewered, its engineer (Mr. Newlands), who was present, would repudiate the idea. [Dr. Martin: "Comparatively."] Comparative perfection! There were many things Mr. Newlands would be able to improve.

Mr. Rawlinson denied that Liverpool and Manchester were well sewered, and to the man who advocated the retention of cesspits he would say, "The blood of Manchester be upon your head." Why could not that be done in Manchester which had been done in London with ten times the population? London was the healthiest large city in the world, because it had been freed from cesspits, and refuse was taken away before it was capable of doing injury. When it was retained for months, fermentation was set up, the effects of which could be got rid of only by the demolition of the place. The ventilation of a sewer ought to be so arranged that it should be absolutely impossible for any one to put it out of order. London was the only great city in which systematic ventilation, rude in its way, had been carried out. It cost Manchester £10,000 per annum to retain its cesspit matter, and then it was carted to poison mounds, from which it was removed into the country. If the annual expenditure were treated as the interest of capital, the amount would sewer Manchester completely, and bring down the death-rate to what it was in the suburbs. Whilst Liverpool, Manchester, and Salford had high death-rates, their suburbs had not; and with proper sanitary regulations efficiently carried out, the mortality might certainly be reduced. There were parts of London in which there was as much drunkenness and squalor as there was in Liverpool; Bermondsey and Whitechapel for instance: and yet something had brought down the mortality. Let those whose duty it was look at these things without bias and prejudice, and not conclude that it was impossible to remove cesspits from Manchester, and to adopt soil pans because working people would abuse them, when in much larger places they were adopted with an amount of benefit which far exceeded any occasional mischief.

Dr. Richardson stated some conclusions he had arrived at respecting pulmonary consumption, which were in effect, that it was not due to any particular trades, or to the inhalation of any particles floating in the air; but that, except

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when hereditary, it was chiefly due to breathing impure air in sleeping-rooms. He had treated four fatal cases, all due to sleeping in a hawker's cart, notwithstanding that the persons were travelling in the fresh air all day.

Mr. J. Heron (Town Clerk of Manchester) did not dispute that water-closets might be an improvement upon the present state of things, but he had his doubts whether they would be so or not. In Nottingham they had altogether done away with water-closets, and instituted ash-pits in their stead. What they had to do in Manchester, was to make the best of the circumstances in which they were placed, and, as long as a practical difficulty existed in finding out any plan for carrying away the sewage of an enormous district like this, they must make the best of the privies and ashpits which existed throughout this city. It would cost half a million of money to take the very first step of converting these ashpits into water-closets. He considered that the course which the Corporation of Manchester had taken upon this subject, was both sound and defensible.

Mr. E. Chadwick, C.B., would undertake to contract for the results of sanitary reform in Liverpool and Manchester, because what he would propose to do had been done, and there was no reason why it should not be done again. The first step towards the cure of London was the removal of the middens, which resulted in a reduction of the death rate, without any alteration in the habits of the people. Give him power to get rid of the middens, provide sufficient water, and prevent overcrowding, and he would reduce the rate of mortality by one-half. That there was no special reason why he should not, was shown by the low death-rate in the Salford prison, where a recent outbreak of dysentery was ultimately traced to a drain polluting the prison well. He would provide self-cleansing sewers at 2d. per house per week, fresh water at 2d. per week, and for another penny he would remove the middens and provide self-cleansing apparatus. Even a penny a week would provide for the distribution of water. Twenty years ago Dr. Lyon Playfair estimated that the cost of preventable disease in Manchester was not less than a million a year. That could be removed, because it has been done elsewhere, and nothing stood in the way but an ignorant local administration. Our administrative arrangements were in a state which hereafter would be regarded as a reproach to the time, and were suggestive of barbarism.

WATER SUPPLY OF MANCHESTER.

A statement concerning the Water Supply of Manchester, of which the following is a condensation, was read by Mr. J. F. Bateman, F.R.S., C.E.

Mr. Bateman prefaced his statement by paying a compliment to the corporation and governing bodies of Manchester for the wise discharge of the interests committed to them by the inhabitants, first in regard to the supply of gas to the city and neighbourhood which had been so well managed that profits amounting in the aggregate to between £500,000 and £1,000,000 had been realized and applied to various and important improvements of the city. This successful result incited the corporation to become the owners of the waterworks, and to undertake the supply of this essential element in the well-being and prosperity of large communities—and they have been equally successful in this important undertaking.

The waterworks of Manchester previous to their acquisition by the corporation derived their supply partly from gathering grounds in the immediate neighbourhood, partly from a well in the new red sand stone, and the remainder from the Peak Forest Canal—the whole quantity amounting to about 3,000,000 gallons per day. The powers to

purchase the old works and to construct new works were obtained by Special Acts of Parliament in the Sessions of 1847 and 1848. The district from which the new supply has been obtained is the Valley of Longdendale which forms a portion of the westerly slope of the penine chain of hills, commonly called the backbone of England. The area of land from which the water is collected amounts to 18,900 acres lying at an elevation varying from 500 to 1,800 feet above the level of the sea, and consisting of mountain pasture and moor land. The rainfall in the district is about 50 inches on the average, and the available rain in dry seasons about 33 inches. The water is collected in large storage reservoirs, three of which are constructed in the Maur Valley and two on smaller tributary streams. These reservoirs have a total capacity of about 600 million cubic feet, or 3,828,000,000 gallons, and the works when entirely completed will give a daily supply of 39 or 40 million gallons, of which 14 millions have to be given as compensation to the streams from which the water is abstracted, leaving 25 or 30 millions available for the supply of the city and districts. The water is remarkably soft, being only about 1° of hardness, and the saving in soap and other articles of domestic consumption to the inhabitants by the use of such soft water will be evident from the fact that the saving in Glasgow in the same articles of domestic consumption on the introduction of the equally soft water of Loch Katrine was estimated at £36,000 per annum. If a supply of soft water like that supplied to Manchester and Glasgow and other towns in the North of England were afforded to the metropolis, the saving might be safely estimated at about £400,000 or £500,000 per annum. The water of the streams flowing into the reservoirs is beautifully clear in dry and cold weather; but when the streams are swollen by rains they are highly coloured by peat. A simple and effective mode of separating the pure and turbid water has been adopted. This is attained by constructing a weir across each stream, underneath which is built a conduit into which the water of the stream drops through an opening on the down side of the weir when the stream is in its ordinary and clear state and is thus carried either to reservoirs set apart for the storage of pure water, or conducted direct to Manchester for the supply of the city. When the stream is swollen, and consequently turbid, the water approaches the weir with an increased velocity, jumps over the opening and passes down the apron of the weir into the large storage reservoirs, whence it is drawn for the supply of the compensation water, or, after it has been decolourized by exposure to the atmosphere, it is decanted off into the pure water reservoirs for the supply of the city.

By these simple arrangements the water supplied to the city is as pure as can be, and needs no filtration whatever. All that is done is to pass it through fine wire gauze strainers, erected at the outlets from the service reservoirs, by which any foreign matter held in suspension is prevented entering the pipes. The service reservoirs are 20 feet deep, and always kept full.

The water is conveyed from the main-storage reservoirs partly by

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a covered conduit and a tunnel through Mottram Hill, and partly by pipes to three separate heights of service reservoirs, situated respectively at Godley, Denton, and Gorton. From these reservoirs, the water, after having been strained in the manner above described, is conveyed by cast-iron pipes to the city. In the distribution of the water the district has been divided into three zones, and the several service reservoirs have been adapted to the supply of each of these zones. The Godley reservoir supplies the higher and more distant districts, the Denton reservoirs the middle level district, and the Gorton reservoir the low level district. These reservoirs are respectively about 350, 200, and 130 feet above the level of the assize courts. The water is supplied to the inhabitants constantly and at high pressure, and in the laying of the mains throughout the city special regard has been had to the arrangements for the extinction of fires. In case of fire, 20 fire-cocks within 100 yards can be brought into play in the space of a few minutes, the pressure in the mains being sufficient to throw the water over the loftiest building. The use of fire-engines has by these means been superseded, except as omnibuses to carry firemen and their apparatus. The fire-cock used is so constructed that the water can be withdrawn from the mains in a few seconds after the stand-pipe and hose are attached. The water is now supplied to 29 townships, representing a population of about 650,000 persons, the daily quantity used being about 12 or 13 million gallons, or about 20 gallons per head per day; this includes the supply for trading purposes, estimated at about one-third of the whole quantity, so that the actual daily consumption per head for domestic use is about 13 gallons.

The outlay to the present time, including the cost of purchasing the old company's works, has been about £1,500,000; of this sum £960,000 have been expended in the construction of the new works and the distribution within the district, and £540,000 were paid in the purchase of the old water company.

The corporation of Manchester were the first to obtain powers to levy an unlimited compulsory rate for meeting the expenses on the outlay. In consequence of the great security thus afforded to capitalists, the corporation have been enabled to borrow the money required for their works at the very low rate of £4 per cent. per annum on the average. The actual average rate now paid on the whole of the money borrowed is £4 0*s.* 10*d.*

The water rates levied within the city are a domestic rate of 9d. in the pound, and a public rate of 3*d.* in the pound on the assessment. The amounts are equal to about 7*d.* and 2¼*d.* respectively in the pound on the actual rent. Beyond the city 5 per cent. on the rack-rent is charged. The revenue derived from the sale of water for trading purposes amounts to about £58,000 per annum, being more than one-half of the total amount derived from all sources. The number of houses supplied within the city is 66,493 and the average rate is 6*s.* 8*d.* 8-10ths. per house per annum, or 1½*d* per house per week. Of this number 51,860 are cottages rented by the week, which are

supplied with a constant and unlimited quantity of water at the rate of 4s. 6-10ths. per annum, or nearly 1*d.* per house per week. The cost of the water, including the purchase of the old company, at the present rate of consumption of 13,000,000 gallons daily is (assuming the total cost at £1,500,000, and the interest on this sum at 4 per cent.) 3*d.* per 1,000 gallons. Taking the actual cost of the new supply at £1,000,000 it is 2*d.* per 1,000 gallons. When the full supply of 25,000,000 gallons daily is given, the total cost will be nearly 2*d.* per 1,000 gallons, or for the new works about 1*d.* per 1,000 gallons. This is believed to be the cheapest supply on a large scale which has ever been afforded, the city of Glasgow alone excepted, while in quality and efficiency it is exceeded in no city in the world.

SANITARY LEGISLATION.

The papers of Mr. Jenkins and Dr. Stewart will be found at pp 478, 494.

DISCUSSION.

Mr. E. W. Cox argued that the public should bear the cost of those works which were necessary to the public health, and should not call upon the owner of the premises to bear all the expense.

Mr. Rumsey said an enlarged area of jurisdiction was necessary for the better management of sanitary matters. These areas should follow natural boundaries, and the appointment of medical officers should not be compulsory until such areas had been established, for to make small local authorities appoint them would lead to an enormous number of jobs.

Dr. Lankester said the aim of the papers had been to show that we had no sanitary legislation worthy of the name; that it had been a system of patchwork from beginning to end. One feature characterised the legislation from the first—it was not said that a man should not do what he ought not, but that he might not. They had no hesitation in saying that men should not steal or murder, and they ought to say that men should not take away the lives of their neighbours by neglect of sanitary measures. They only required legislation by which men should not be allowed to poison their neighbours, in order to act at once; but until the Legislature did something of that character it would only be patchwork. He hoped Mr. Rumsey's remarks would induce legislators to see the necessity of some comprehensive Act. Until our sanitary legislation was compulsory we should never do more than botch up these evils and grievances. Such a measure would be an enormous gain. People did not appreciate sanitary gain sufficiently to force attention to this subject. Tell a man he had a drain out of order, and he would probably reply, "Oh, yes; it has been so for a twelvemonth." This was probably the condition of their neighbours' houses; it was of his neighbours'. We were ourselves negligent, and we must not always blame others. This was not only a health matter, but a wealth matter—health was wealth. The want of regard to sanitary regulations diminished the working power of the country, and the loss might be estimated by millions. He calculated that the east end of London had lost by the death of adult individuals, and in the dependents, such as orphan children, whom they had left, at least £80,000. They wanted voluntary associations and educational institutions to remove the stolid ignorance and the indifference which prevailed on this subject.

Mr. Mott (Birkenhead) objected to compulsory officers of health: it was not a principle that it was desirable to introduce: he thought the only successful system they could adopt would be to have the work done by the local authorities, under the supervision and encouragement of a central government in London. A serious objection to Mr. Rumsey's plan was the existence already of a number of local boards—the highway board, for instance, which had certain powers, and

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whose powers must be exercised in conjunction with the sanitary operations which were required. He recommended that health officers should be employed to urge upon the local authority the carrying out of sanitary measures, and to report to the central authority what was being done, and what alterations in the law were required. A medical officer of health ought not to have too large a district. He feared the present death-rate of Liverpool was to some extent owing to the fact that there was only one medical officer for that large population. There ought to be a medical officer for every 50,000 or 80,000 of the population.

Dr. GAIRDNER (Glasgow) said that they had fully exercised their sanitary powers in that city, both for the removal of nuisances and ventilation, for one of the most prolific causes of disease was overcrowding. So strong was their conviction on these matters that they had applied to parliament for a city improvement Act to empower the removal of a great number of old, ruinous, and overcrowded houses, and replace them with healthier abodes. He thought it very advisable that the medical officer of health should be in accord with public opinion and the authorities; the work would then be better done, and the people would be educated in sanitary matters at the same time.

BOILER EXPLOSIONS.

Mr. WILLIAM FAIRBAIRN, LL.D., read a paper on "Casualties Arising from some Boiler Explosions," of which the following is an abstract:—There is no mystery in steam boiler explosions; they are all traceable to causes that are well known, each of which may be prevented by attention to a few simple rules, the chief of which is thorough and careful periodical inspection. Boiler explosions are attributable to two distinct causes, the one relating to their construction and the other to their condition. Under the first head, viz, that of construction, it is necessary, first, that boilers should be constructed by competent persons, having regard to form and a knowledge of first principles; second that boilers should be made of the best material, whether composed of iron or steel, and of uniform strength; third, that those having internal flues should be hooped in the flue in order to prevent collapse; fourth, that those having domes should be strengthened by circular stays of angle iron; and, lastly, that the load on the safety valves should not exceed one-sixth of the bursting pressure. Under the second head, that of condition, assuming that the boiler is sound, and of uniform strength to begin with, it is of great importance that the following, as the chief causes of boiler explosions, be carefully attended to:—1, corrosion; 2, fracture of plates and angle irons; 3, furnaces out of shape; 4, defective safety-valves; 5, defective pressure-gauges; 6, defective water-gauges; 7, defective feed apparatus; 8, defective blow-off apparatus; 9, over-pressure; 10, deficiency of water. To these may be added blistered plates, and the danger arising from corrosive furrowing in the immediate vicinity of the rivetted joints, the cause of which is at present unexplained. What is called corrosive furrowing is a grooving of the plates along the edges of the rivetted joints in the interior of the boiler from a point a little above the surface of the water, nearly to the bottom side of the boiler. Its effects are present in locomotive, marine, and stationary boilers; and, although repeated attempts have been made to ascertain the cause of these rapid and destructive effects, we are

still far from obtaining a satisfactory solution of a question of such immense value, and of such deep importance to the duration and safety of boilers. Various opinions have been formed on the subject; some endeavouring to trace this unknown and inveterate principle of corrosion to chemical and mechanical action; others assuming that it arises from some peculiar property in the feed water; and others again maintaining that it is caused by the expansion and contraction of the plates at every change of temperature, &c.; but the whole of these statements are mere opinions, and pass for nothing in the absence of facts which have yet to be discovered in order to determine the cause and apply the remedy. Amongst the numerous defects observable in boilers, the two first, corrosion and fracture, are prominent; and, judging from the annual returns of the Association for the Prevention of Steam Boiler Explosions, it would appear that out of 1,458 boilers under inspection there were no less than 202 cases of corrosion, 22 of which were dangerous; and 62 of fracture, 11 of which were dangerous. This clearly shows the necessity which exists for strict and careful inspection; and if these accidents are to be prevented or reduced to a *minimum*, it can only be done by watching the causes of deterioration and applying the remedy in time. It is no satisfaction to the public, any more than it is to the friends of the unfortunate victim of these catastrophes, to be told by the coroner's jury that the deceased was killed by an accidental explosion. On the contrary, it is due to both to feel satisfied that the most rigid investigation has taken place, and that no care has been wanting on the part of those in charge to avert the misery arising from these unfortunate accidents. I do not admit, however, that repeated occurrences of this kind are not preventable; for it is well known that a perfectly well constructed, well appointed boiler, carefully watched, is perfectly safe. What we have to guard against in every case of this sort is, not to overload the safety valve, and to keep within proper limits of pressure. These conditions being observed will tend to reduce the number of explosions, if not entirely to prevent them. All precautions will, however, prove futile, unless manufacturers and others having engines and boilers agree to employ as their engineers and stokers a class of men much more intelligent than the present, and, in order to procure that class, to pay them liberally for their services.

MISCELLANEOUS.

Dr. W. P. Bain contributed a paper on "Cholera in East London," which has been published in the *Journal* of the Association. At the conclusion of this paper a resolution was passed by the Department recognising the value of the labours of the late Dr. John Snow, as the originator of the view that cholera was specially propagated by impure water, and recommending that two of his surviving sisters should be placed on the Civil Pension List, in recognition of their brother's services to the nation and to humanity.

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Dr. RICHARDSON read a paper on "Destruction of Life by Overwork," in which he explained the results of excessive physical and mental labour. He dwelt on the evil effects arising from the unwise training in physical exercises of the young, observing that when the body was young it was easily changed and forced. The whole organism was brought into full and powerful development, and the heart became strong and active. When the effort was finished, the overworked muscles fell back and resumed a quiet condition, with one exception, the heart, which remained large, the result being preternatural death. Dr. Richardson added, that nature proportioned so much matter in the body, and so much force, to be used in a given term of years, and if men or women chose to spend them in a shorter time, they were morally responsible for the fatal result. This paper did not reach the Editor in time for insertion in this volume, but it is hoped that it may yet be made permanently available for the members of the Association.

Dr. BEVEREDGE (Aberdeen) read a paper on "The Recent Epidemic of Typhus in Aberdeen: its probable Cause and Cost."

Dr. P. MARTIN DUNCAN read a paper on "The Condition of Pauper Idiots in England and Wales."

Both these valuable papers will be brought to the notice of the Association on another occasion.

ECONOMY AND TRADE.

Report of the Standing Committee of the Department.

MANY matters of the first importance with reference to the province of this Department have, since the Sheffield Congress, attracted great public observation, and some of them have been considered by the department itself.

The large considerations involved in the loss of life and property from shipwreck: a subject which was submitted to the last Congress by the President of the department, Mr. E. Chadwick, C.B., occupied the early attention of the Standing Committee, on the resumption of its sittings in London.

A memorial was prepared upon the subject, and a deputation, influentially constituted, waited upon the President of the Board of Trade, with a view to bring the matter under the notice of the Government.

The memorial reviewed the facts and arguments upon which the necessity of inquiry and action was founded, and urged that a solemn inquiry by competent and impartial officers of the Royal Navy might be directed, under a special commission, into the matters alleged in respect of the loss of life and property, with a view to the preparation of such measures of legislation as the evidence might appear to require; and also that it might be referred to the Childrens' Employment Commission, who have under examination the conditions for the extension of legislative provisions for securing the education of children employed in manufactures and trades, to inquire and report on the application of provisions on a like principle, for securing the proper elementary training and education of young children engaged in the mercantile marine.

The President of the Board of Trade assured the deputation that the subject, of the importance of which the Government were sensible, should receive their careful consideration. This is a matter to which the attention of the Committee will be still further directed.

In January last the first special meeting of members of the Department was held, to consider the important social and economical question of the improvement of the house-accommodation of labourers and artizans.

The meeting was numerously attended, and a committee was formed in order to determine what steps should be taken to remove the great sanitary and social mischiefs caused by the existing state of things.

Finally a joint committee of members of the Department and of the Council of the Society of Arts, prepared the draft of a Bill designed

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to facilitate the removal of houses unfit for human habitation, and the erection of improved dwelling-houses for artizans and labourers. During the last Session of Parliament a Bill was introduced into the House of Commons proposing to deal with the same question.

But it appeared to the Committee that this Bill would, if passed, prove inadequate, and even illusory, and it was resolved to get the Bill of the Department introduced into Parliament, but as the session was far advanced, and the pressure of public business rendered it highly improbable that any legislative action would be taken, it was thought advisable to postpone the step to the next session. An opportunity will be taken of bringing the Bill into the House of Commons early next session. One main feature of the Bill of the Department, essentially differencing it from the measure just referred to, is that it seeks to give competent compulsory powers, but upon defined conditions, and under sufficient public security, to companies as well as to municipal corporations.

The entire question will form one of the subjects of discussion at the Manchester Congress. The next special meeting of the members of the Department discussed the great question of local self-government, particularly with reference to the local government of the metropolis.

The Standing Committee heartily co-operated with several individuals and bodies in the effort to procure and secure the public acceptance of such a measure as should put the government of the metropolitan districts upon a satisfactory footing.

The Standing Committee, in prosecuting the object of the Department—the investigation of the laws of the economical phenomena of the social system—has directed especial regard to those subjects falling under the cognizance of the Department, which have recently been submitted to so much public discussion both in and out of Parliament.

In selecting the special questions for the Manchester meeting, the Committee has steadily kept in view the scientific object of the Department, and those questions will, it is believed, be found to refer to phenomena in themselves important, and at this juncture particularly interesting, while at the same time they rest upon and reveal economical and social laws susceptible of extensive and varied application.

THE LICENSING SYSTEM.

Upon what Conditions and by what Authority ought Licenses for the Sale of Alcoholic Liquors to be granted? By the Executive of the United Kingdom Alliance, Manchester.

The purpose of this paper is to lay before the section, as briefly and clearly as possible, the views entertained and the suggestions promulgated by

the Members of the United Kingdom Alliance, upon the question submitted for discussion. Its object is the statement of these views and suggestions, not their enforcement; any arguments in their support will doubtless be brought forward during the discussion of the various papers, but inasmuch as the Alliance is generally recognised as the exponent of extreme temperance views, and has been much criticised as such, it has been thought desirable, as a necessary preliminary to such criticism, that the policy and principles of the Alliance should at least be understood. The question submitted to the section for discussion assumes that the sale of alcoholic liquors can only properly be carried on upon conditions and subject to the permission of authority. This narrows the question considerably, and saves all necessity for discussion of the right of the State to prevent or permit, under license or condition, any exercise of the trade. It also assumes that the object of a license system is not fiscal merely, as if it were, payment would be the only condition needful, but it seems to admit that the end and aim of the system should be public safety and order.

Desirous to confine ourselves, therefore, within the limits of the question, we equally assume these positions, and abstain from any discussion of them, although they are capable of much useful illustration. The only limit to legitimate interference with the rights of the individual, either personally or in connection with trade or other social privileges, we assume to be the necessities of public safety. In a matter which involves public convenience as well as public danger, it is no doubt highly undesirable that the public convenience should be restricted beyond the point absolutely needful to provide against public danger, and it may even be well to incur some risk rather than unduly to touch private or social liberty of action.

Just such a question is involved in the consideration of a license system. What are the conditions under which any public advantages supposed to be derivable from the sale of alcoholic liquors can be secured with the minimum of public danger?

An answer to this involves an answer to the question submitted to the section.

In the sense of making provision for the existence of a common sale of alcoholic liquors, the Alliance has no suggestion to make of any system of licence. It holds that the public advantages of such sale are so small as to bear no comparison with the dreadful and constant mischiefs which are ever arising from it; and that, as those evils are inseparable from the sale, under whatever restrictions or by whatever authority carried on, the only safe and judicious course is to prohibit the sale altogether. This can be effected only by the power and exercise of public opinion, and the Permissive Bill, which is the direct legislative suggestion of the Alliance, would simply provide a machinery, by means of which this end could be accomplished without violence or commotion, leaving the responsibility of license and the management of a licensed traffic upon those who are content to assume it. But the Alliance is also aware that, pending the enact-

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ment of such a measure as the Permissive Bill, and, even if enacted, pending its adoption by the popular vote of each district to which it might be applicable, a revised license system will be needful. The Alliance, therefore, does not insist upon the adoption of the details of the Permissive Bill, or oppose all other reforms. It simply declares that no amended license system would be satisfactory which does not embody a power of popular veto upon the granting of all or any licenses, and it avows its ultimate policy to be to engraft upon any measure, whether promoted by government or private individuals, such provisions as shall enable the ratepayers of any certain and defined district, to prevent the common sale entirely within their district, when a largely preponderating public opinion shall so determine.

All parties will probably agree that in any amendment of the license law uniformity in the conditions affecting the license, of whatever character, and certainty in the law should, if possible, be secured. At present the trade in alcoholic drinks being regulated by no less than three descriptions of licenses, those permitting the sale of spirits, of beer, and of wine, it is impossible for the authorities dealing with the first to cope with the mischief arising out of the others. Whatever the authority which should be trusted with the power of licensing, that authority should supervise and be responsible for the entire system. But even in the administration of the law, authorities themselves differ. The course until recently pursued by the bench at Liverpool, and the construction put by them upon the law, has been, as is well known, opposed to the general practice in other parts of country. Even among themselves the experience of some years has resulted in divided opinion, and it would certainly seem as though some legislation had become inevitable to relieve them from their difficulty. The truth is, that while doubtless the open and facile granting of licenses which has been pursued at Liverpool, may be argued for as based on certain accepted political theories, the restrictive policy which has generally been pursued without much philosophic discussion, is justified by the coarser, but not less conclusive argument of experience. Drunkenness in a community has a closer connexion than is usually supposed with the number of public-houses existing in that community, and it is not enough to endeavour to counteract their influence by better agencies; the public-house proves itself stronger than school or church.

So long ago as 1855, in one of the elaborate reports presented by the late Rev. John Clay, chaplain of the Preston House of Correction, to the justices of Lancashire, attention was called to this fact, and a diagram of great value produced, showing the comparative extent of religious habits, popular education, encouragements to drunkenness and crime in the forty English counties. Without giving the whole of the figures, it may be useful to direct attention to them, as they will be found in the chaplain's report of the year named. Mr. Clay's own conclusions may be given in his own words.

"The first conclusion deducible from the above table is, that ale and

beerhouses are more associated with excess of crime than attendance at religious worship and at school is with the absence of it. In two instances (groups 2 and 3) larger attendance at Sunday duties is concurrent with more than average criminality; and in two instances also (groups 2 and 7) better attendance at school is marked by the same anomaly. On the other hand, of the five groups in which religious worship is more than usually neglected, three are chargeable with excessive crime. A similar observation applies to the schooling. Of four groups deficient in that, three are marked by more than average crime. But with respect to ale and beerhouses, excess in their number is accompanied by excess in crime in every case but that of the North Midland group, in which a small overplus of drinking houses is outweighed by a greater of religious worship and schooling, as on the contrary (with the remarkable exception of the three eastern counties) their paucity is accompanied by a striking absence of crime. Looking at the counties singly, twenty-two of them have to bear an excess of the drinking-house evil, and eighteen a diminished amount of it. Sixteen of the former are consequently oppressed with excessive crime, but only six of the latter. Taking another view of the facts in the thirteen counties of the first and second groups, the drinking-house mean rises to 527, and the criminal mean to 166 for the twelve northern counties; from Leicester to Westmoreland the public-house mean falls to 306, and is attended by a corresponding fall in the criminal mean to 120. Once more—the mean criminality of the eighteen counties below the public house mean (although including the very criminal counties of Monmouth and Hereford) is 136, and the mean criminality of the twenty-two counties above the public-house mean is 167. The absence of drinking places, and the consequent absence of crime, are decidedly marked in Yorkshire, and a yet greater absence of such places in the four northern counties would seem to compensate for a deficiency in schooling, and a very great deficiency in regard to religious worship. In the case of York, it is seen that 36 per cent. minus of drinking house is accompanied by 25 per cent. minus of crime; and in the four northern counties, where drinking houses are fewer than they are in any other group—60 per cent. below the mean—crime appears in its smallest amount—41 per cent. below the mean. With all these forcible illustrations of the connection between drinking houses and crime in England, we shall find in Wales a still stronger proof of that connection. The county of Glamorgan contains 36 per cent. of all the low drinking houses scattered through the twelve counties of the principality, and in 1853 it was chargeable with 42 per cent. of all the crime in it."

"In respect to English counties considered singly, Cornwall presents the happiest example of the infrequency of crime in a district where spiritual and educational influence are not counteracted by beer-shop temptations. The general truth to which I point is also shown by Sussex, the only county in the south-east group which is not over provided with drinking houses; it is also the only county of

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that group which has less than the common amount of crime. Suffolk, Wilts, and Somerset present remarkable contradictions. Holding very creditable places in respect to their apparent educational and religious condition, and with drinking houses very much below the usual proportion, they are nevertheless chargeable with excessive criminality. Hereford, again, the most criminal county save three, would offer perplexing features did it not show that the absence of ale and beer houses does not obviate criminal tendencies when there is also wanting the meliorating power of education and religion."*

From the same series of figures other conclusions may also be drawn, illustrative of the point for which we are contending. Taking an average of Mr. Clay's figures, we find that in Worcester, Warwick, and Stafford, attendance on public worship and popular education being below the average, and drink-shops above, crime is likewise, as would be expected, in excess. But in York, Northumberland, Lancashire and Surrey, religion and education falling below the average, crime is also below the average, following the drink-shops, also below the average. Again, in Cambridge, Huntingdon, Hertford, and Hampshire, the ameliorative agencies of religious and school instruction are above the mean, but drink-shops being also above the average, crime is found also to exceed it. Compare Cornwall with Monmouth and Cambridge, and seek to account for the fact that with equal advantages in religion and education, the crime of Monmouth and Cambridge doubles that of Cornwall. It is at least a coincidence worthy of consideration that the public houses of the two counties are double those of Cornwall. On the other hand, why is the crime of Devon much the same as that of Dorset, and Somerset as of Stafford, when the religious condition and the state of popular education differ so widely in each county respectively? The answer is, that in all these counties, drink-shops in proportion to population are about in equal ratio. Facts such as these justify the magistrates, to whom the granting of licenses is entrusted, in exercising great vigilance and in increasing the number of drinkshops very sparingly. It would seem ill to become the guardians of public peace and order, to sanction, without the exercise of any discretion, the fountains of social disorder and turbulence. Hence, therefore, in the administration of the law, it has been usual to consider not merely the fitness of the house and the character of the applicant, but also what has been called "the wants of the neighbourhood,"—the "circumstances of the neighbourhood," would, perhaps be a better phrase. But the difficulty which certainly arises is how to estimate those wants or circumstances. Prominent members of the Liverpool Bench are in the habit of

* The appendix to my twenty-eighth report contained several remarkable and valuable statements by an observant prisoner, who had "travelled" through most of the English and Welsh counties. One of his statements refers to Herefordshire. "In Herefordshire," he says, "low cider houses, where beer also is sold, abound." . . . . . "In Wobly, a very small place, almost every fifth or sixth house deals in cider."

ridiculing the endeavour to form such an estimate, and appear to rely on the difficulty as conclusive; but the difficulty is only imaginary. It cannot, however, be solved by appeal to the general law of supply and demand, or by supposing that the neighbourhood will only support what it wants. It has been already assumed as admitted for the purpose of this discussion, that authority must control those wants to the limits of public safety; and indeed, a still more conclusive answer is found in the fact, learned by experience, that the trade in alcohol does not obey the ordinary law of supply and demand. Being a trade in an article which creates and stimulates an appetite for itself, the supply is constantly increasing the demand—the larger the demand the greater the social mischief. The thirst for drink is never satiated by indulgence; but if an answer is really sought to the question, are the wants or desires of the neighbourhood such as to render it desirable to add to its social dangers or to excite fresh peril?—why not ask the neighbourhood? The Alliance claims simply the right on the part of the inhabitants to prevent the granting of licenses altogether, not to decide on each application, and it would be easy to defend the distinction. But even in a scheme of license it would be quite possible to bring the popular opinion of each district to bear either, as roughly suggested by Mr. Bright, by placing the licensing power in the hands of town councils or other popularly elected board, or, as at one time propounded by the Liverpool publicans, by making the assent of a certain proportion of the inhabitants residing around the applicant, a condition precedent to the granting of the license. Whatever the limitations or conditions of the license itself, the authority to grant it must be popular. Justices are but men, and though in the main anxious to discharge their onerous duties with fidelity and care, are at times actuated by motives of private or political friendship. At the best they can but form a hasty and unsatisfactory judgment upon the real question at issue in the license, while the judgment of those qualified (if any are) to form a correct opinion—the justices locally resident and sitting at petty sessions, is at any time liable to be overturned on appeal by the decision of other justices, who, coming from other districts, have no local knowledge. It is not an unusual circumstance for instance, in the county of Lancashire, for the refusal of ten or twelve local justices to grant a license, to be reversed by two justices coming from a distant part of the county. A scheme which left the ultimate decision in the hands of the inhabitants of each district, would be to the interest of all parties. It would give certainty for the employment of capital; it would supply all the legitimate wants which can be suggested; and it would satisfy the temperance sentiment of the country, because it would enable the temperance men to avail themselves of the aid of the law, and just so fast and so far as they could influence public opinion, and no faster or further, to protect themselves and the public against the agencies which are always at work to undermine and destroy their labour.

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On the Extent and Direct Cost of the Drinking System of Scotland. By the Rev. James A. Johnston.

In any attempt to estimate the extent and direct cost of the drink system of Scotland, account must be taken of the number of licensed houses, the quantity of intoxicating liquors annually consumed, and the amount of money expended in the purchase of such drinks. By the recent enactments which regulate the drink traffic in Scotland, three kinds of houses are licensed for the sale of intoxicating drinks. The first class of these houses consists of hotels, in which a certain amount of sleeping accommodation must be provided for strangers, no uncooked provisions be sold for consumption elsewhere, and in which lodgers and *bonâ fide* travellers may obtain intoxicating drinks on Sunday, and during the prohibited hours throughout the week. The second class of houses consists of public-houses, where intoxicating liquors are sold either for consumption on the premises or elsewhere, but which must be shut from eleven o'clock P.M. to eight o'clock A.M. during the ordinary days of the week, and from eleven o'clock on Saturday night to eight o'clock on Monday morning. The third class of houses consists of grocers or dealers, in which no intoxicating drinks can be sold for consumption on the premises, and which are subject to the same restrictions as regards the hours of sale as the public-houses and hotels. All these houses are under the supervision of the magistrates; no license being granted except to such persons and houses as have obtained the magisterial certificate required by the law.

In the year 1864 the number of hotels licensed was 1,515, or 1 for every 455 families; the number of public-houses licensed was 6,935, being 1 public-house for every 99 families; and in the same year the number of dealers licensed was 3,565, being 1 grocer or dealer for every 193 families. Thus the total number of places licensed for the sale of intoxicating drinks in Scotland during the year 1864 was 12,015; being 1 licensed house for every 57 families. In the year 1855, with a much smaller population, the number of licensed houses was 12,591, or nearly 600 more than in 1864; being 1 licensed house for every 52 families.

Table I. — *Showing the Number and kind of Licensed Houses in Scotland in* 1864, *and total number in* 1855.

Hotels . .	1,515,	being 1 for every	455	families.	
Public Houses .	6,935,	"	"	99	"
Grocers . .	3,565,	"	"	193	"
Total in 1855 .	12,591,	"	"	52	"
Total in 1864 .	12,015,	"	"	57	"

The discussions which have taken place in recent times as to the

amount of spirits consumed in Scotland, have led to the preparation and publication of Parliamentary returns on this subject, as accurate and reliable as can be reasonably expected. These returns now extend to each of the sixteen years ending in 1864, and include all kinds of home, foreign, and colonial spirits.

TABLE II.—*Showing the Number of Gallons of Home, Foreign, and Colonial Spirits consumed in Scotland in each year, from* 1849 *to* 1864, *inclusive.*

Year.	Gallons.	Year.	Gallons.
1849	7,303,641	1857	5,796,706
1850	7,412,187	1858	5,508,489
1851	7,090,894	1859	5,638,886
1852	7,437,462	1860	5,048,782
1853	6,795,528	1861	4,684,313
1854	6,808,819	1862	4,690,073
1855	5,370,418	1863	5,027,114
1856	5,594,757	1864	3,395,615

With a view to the convenience of comparison, and also because the year 1854 was partly under the old law and partly under the new, we will set the returns for 1854 aside, and divide the remaining years into three equal periods, consisting of five years each. As exceptionable causes operate to make the estimated consumption of one year differ from that of another, it is only by taking the consumption of several years together that a fair comparison can be made and a trustworthy conclusion be reached. In the five years ending in 1853, the quantity of spirits consumed in Scotland was 36,039,712 gallons; in the five years ending in 1859, the quantity consumed was 27,909,255 gallons; and in the five years ending in 1864 the quantity consumed was 24,845,897 gallons. The quantity consumed in the five years from 1855 to 1859, as compared with the quantity consumed in the five years from 1849 to 1853, shows a total decrease of 8,130,457 gallons, or an average annual decrease of 1,355,076 gallons; the quantity consumed in the five years from 1860 to 1864, as compared with the quantity consumed in the five years from 1855 to 1859, shows a total decrease of 3,063,358 gallons, or an average annual decrease of 612,671 gallons; and the quantity consumed in the five years from 1860 to 1864, as compared with the quantity consumed in the five years from 1849 to 1853, shows a total decrease of 11,193,815 gallons, or an average annual decrease of 2,238,763 gallons. From these calculations it appears that, in the course of ten years, the annual consumption of spirits in Scotland has been reduced by fully one-third of the total amount annually consumed.

TABLE III.—*Showing the Comparative Consumption of Spirits in Scotland in periods of Five Years ending respectively in* 1853, 1859, *and* 1864.

In the five years ending in 1853 . .	36,039,712	gallons.
„ „ „ 1859 . .	27,909,255	„
Total decrease . . .	8,130,457	„
Average annual decrease . .	1,626,091	„
In the five years ending in 1859 . .	27,909,255	gallons.
„ „ „ 1864 . .	24,845,897	„
Total decrease . . .	3,063,358	„
Average annual decrease . .	612,671	„
In the five years ending in 1853 . .	36,039,712	gallons.
„ „ „ 1864 . .	24,845,897	„
Total decrease . . .	11,193,815	„
Average annual decrease . .	2,238,763	„

In these calculations no account has been taken of the increase of the population in Scotland. For the purpose of ascertaining the comparative consumption of spirits per head, we select the two census years, 1851 and 1861. The consumption in both of these years was rather below the average; but as the statement is equally applicable to both years, the comparison for the present purpose is sufficiently fair. In the year 1851 the population of Scotland was 2,888,742, and the consumption of spirits was 7,090,894 gallons. In the year 1861 the population had increased to 3,062,294, and the consumption of spirits had diminished to 4,684,313 gallons. If the consumption in 1861 had been at the same rate per head as in 1851 it would have amounted to 7,516,906 gallons; but the actual consumption was only 4,684,313 gallons, or considerably less than two-thirds of the estimated proportionate consumption. In 1851 the consumption of spirits was at the rate of 2 gallons 14½ gills for every man, woman, and child in Scotland; and in 1861 the consumption per head was at the rate of 1 gallon 17 gills. It appears, then, from these figures, that the consumption of spirits per head in Scotland was in 1861 considerably less than two-thirds what it was in the year 1851.

TABLE IV. — *Showing consumption of Spirits in Scotland as compared with Population, in the years* 1851 *and* 1861.

Year.	Population.	Consumption.
1851	2,888,742	7,090,894 gallons.
1861	3,062,294	4,684,313 „

Proportionate Consumption of 1861 .	7,516,906	gallons.
Actual " "	4,684,313	"
Decrease as compared with 1851	2,832,593	"

	Gallons.	Gills.
Consumption per head in 1851 . .	2	14½
" " in 1861 . .	1	17
Decrease per head in 1861 . .	0	29½

This large, gratifying, and indisputable diminution in the quantity of spirits consumed in Scotland may in part be attributed to the increase of the duty on whisky, and the consequently freer use of fermented liquors; but is mainly due to the recent enactments restricting the sale of intoxicating drinks, and the great and healthful progress of the temperance movement.

It is with more hesitation that we attempt to estimate the direct cost of intoxicating drinks in Scotland. Our data here are somewhat imperfect; and, unfortunately, there is no reliable source from which the deficiency can be supplied. After having carefully inquired and considered the whole matter, we give the following as a near approximation to the truth. The average annual consumption of all kinds of spirits in Scotland, for the four years ending in 1864, was 4,949,278 gallons. Whisky forms nearly the whole of these spirits; and before being sold by retail, has water added to it in the varying proportion of from one gallon of water to two of whisky, to one gallon of water to six of whisky. Taking the added water in the average proportion of one gallon of water to four of whiskey, we have 6,186,600 gallons as the total annual amount of spirits sold by retail. The retail price of spirits varies from 4d., 5d., to 8d., and even 1s. per gill. We estimate the average price at 6d. per gill, or 16s. per gallon. This gives the total cost of spirits at £4,949,280. Ardent spirits are the main kind of intoxicating liquors used in Scotland; but if we suppose that the amount expended on wine, porter, and other kinds of fermented liquors is only one-fourth of the amount expended on ardent spirits, then the annual amount paid for intoxicating drinks in Scotland, will be £6,223,920. This amount, though not nearly so much as it was ten years ago, is nearly £9 for each family in Scotland, and conclusively demonstrates that great as has been Scotland's progress in sobriety during the last ten years, there is still room for further improvement in the same direction.

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THE DWELLINGS OF THE LABOURING CLASSES.

What measures, legislative and other, should be adopted in order to supply better Dwellings to the Labouring Classes? By THOMAS BEGGS.

THE home accommodation of the people is no new question. For the last quarter of a century it has engaged the attention of some of the most practical minds of the age, but the rapid march of improvement in other directions has given it greater prominence at this time than it has ever before received. The question was taken up in the General Report of the "Sanitary condition of the Labouring Population," compiled by Mr. Edwin Chadwick, and published in 1842. It was taken up at greater length by the commissioners appointed to inquire into the state of large towns and populous villages, the report of which was presented to the Queen in 1844. On reference to that report it will be found that the subject in its social and moral aspects had been thoroughly exhausted. The evidence of Dr. Southwood Smith, Dr. Guy, Mr. Toynbee, and the other medical men examined, established by irrefragable argument, and well ascertained facts, that, as a rule, the dwellings of the industrious classes were defective in all the essentials to comfort and health; that a vast amount of disease was the result, leading inevitably to physical deterioration and moral degradation. In clear, forcible, and even eloquent language, they depicted the condition of the people, and pronounced the "fever tax" as the heaviest and most oppressive of all taxes. They emphatically declared their conviction that pauperism, vice, and misery must flourish so long as the physical state of the poorer classes was neglected. Since then the subject has engaged the attention of many publicists and philanthropists, who have through independent channels of inquiry arrived at the same conclusions.

The subject has also been taken up in a practical way. The Metropolitan Association for Improving the Dwellings of the People was established in 1845, and other associations of a similar kind were afterwards formed with the same object. Although the commercial success of these undertakings has not been so satisfactory as could have been wished, from causes which admit of ready explanation, many piles of buildings have been raised in the metropolis, and many questions of construction have been settled. They have shown what can be done, and also very much that must be avoided. Besides this, private individuals have employed their capital in the same field. I can only refer to the munificent gift of Mr. Peabody, to the work of Miss Burdett Coutts, and to the practical business undertakings of Mr. Waterlow. There are many others that ought to be named, if this paper was intended to give a history of all the work done in this direction; but I aim only at seeking out a few of the more prominent illustrations, others will occur to my auditors. The Society of Arts

has rendered most valuable service in accumulating information on plans of construction, and the yearly *Transactions* of this Association contain several papers of great interest. In the literature of the subject, the writings of Mr. Henry Roberts and Dr. Begg are very useful and instructive, and Mr. James Hole, of Leeds, has given us an excellent compendium. During the last year discussions have taken place in several influential quarters, especially that in November last, at the Society of Arts, one at the rooms of this Association, and another at the Royal Dublin Society. This latter one was introduced by a paper from Dr. Mapother, containing sound practical views. The subject is to be resumed at the next session of that society.

There is inquiry on all hands and many signs of activity, and we may now ask to what does it all conduct? After a quarter of a century's inquiry and discussion we are compelled to admit that little has been accomplished, when we look at the proportion of the wants to be supplied; the increase of the population and the aggregation of that population in large towns have augmented the evil to a fearful extent. The prosperity of the country has really tended to push down to a lower depth of degradation, the largest, most struggling, and most helpless class. It is true that many families have been provided for, but the great mass are still suffering all the privations consequent upon scanty and defective house accommodation. A few are rescued, but the great mass are left in the old gulf without any immediate chance of escape. What we have learnt is this, that if it were right to rely upon charity or upon private benevolence to provide houses for the people, that such agencies will be wholly inadequate. We must ultimately fall back upon commercial enterprise for the accomplishment of so great a work. If this be so, what can we do to give it greater freedom and fair play?

Before I enter upon that inquiry, there are a few minor matters which challenge attention and may be very briefly dismissed. The evils of overcrowding are the most severe in the metropolis and the more difficult of treatment, from the large area covered by buildings of all kinds, and the distance of the suburbs from any of the great centres. In Manchester, Birmingham, or Leeds, notwithstanding the large size of these towns, it is still practicable for the inhabitants to reach the environs by an easy walk, and if the dwelling be judiciously chosen, to go home to the mid-day meal. There is still sufficient space around our large manufacturing towns to build cottages for the workmen, without having recourse to large blocks of buildings, such as have been erected in the metropolis. It, therefore, of necessity must be that a different mode of treatment will apply to London to that which can be made available in provincial towns of large size. This has given rise to various propositions, which in the way they have been proposed, appear at first sight to conflict, but which, when fairly examined, are only parts of the same general scheme. One proposal is to erect dwellings away from London, making the railways which run into it and through it available for taking the inhabitants in and

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out. It is proposed as a matter of convenience and economy to construct them in large clusters of streets and squares, and the plan has been known as the "suburban village plan." The proposition is an old one but has recently been revived, and a society is now formed in the metropolis for the purpose of carrying it out. This would give to each tenant or holder the advantage of an independent and detached house. An objection has been made, somewhat inconsiderately, to this scheme, as if it were intended to supersede all other plans, and as if it were intended to enforce upon the people, who are displaced by the various works of improvement, the adoption of a house away from London. It has been represented as a banishment, and as making pariahs or outcasts of the humblest classes. The projectors of the scheme never intended it for those who were unwilling to go. But they are quite right in supposing that a very considerable number of the London population would gladly avail themselves of such accommodation if offered to them, and I am able to shew after a very careful examination of the subject that such houses can be built, giving more rooms and more space than is afforded them in their present habitations, at a rent, including railway fare, less than they now pay, and that they would have to relinquish few of the advantages of a town life, and none of any consequence. But whatever may be the acceptableness of such a proposal, it is only made as one among many, and, as I have said can only meet the case of those who are willing to embrace it. One great resource in London will be no doubt large blocks of buildings such as those already erected. With all my predilections for a self-contained house such as are common in Lancashire and Yorkshire, I know that the circumstances of London render such impossible for the great bulk of its population. There are many, in fact the great bulk of the working-people, who will from inclination or necessity remain in London, with less accommodation than they can get outside at the same price, and the barrack system, as some name it, must be made available for such. The inconvenience of such an arrangement may be much lessened by the adoption of the plan introduced into similar buildings in Paris, where the evil of overcrowding is quite as great as it is in London, although the evil is not so much felt from the difference in climate, which enables the Parisian to spend a great part of his leisure time out of doors. In the large blocks of buildings appropriated to the labouring classes they have introduced a system of hydraulic lifts, working every minute, so that the occupant can pass up to the higher rooms without trouble or fatigue. In London we must work by all these several means—1st. We must take those out who are willing to go; 2ndly. We must have large blocks on the best construction for those who will and must remain; 3rdly. We must make the best of existing buildings by judicious alterations and repairs. In order to carry out all these schemes, and to make proper use of all appliances, we must have power to appropriate sites suitable for dwellings. In London we have much property of a ruinous and dilapidated kind, occupied as such, but unfit for human dwellings. We have a large

amount of property locked up in charitable trusts, and much not profitably occupied, and altogether within the metropolitan postal district a sufficient quantity of space for the present and prospective wants of London for the next half century, but not attainable under present circumstances for dwellings. What we want, then, and must have, are the means to attain sites in our large towns, much in the same way as railway companies now obtain them, but without having to go to Parliament in every case for a private bill. It is asked that the power of obtaining possession of condemned property should be vested in the hands of some public authority, who can extend it to any corporation or company registered under the Companies' Act, where the necessity is shown of erecting dwellings for the people. It is well to discuss modes of construction, but our efforts will to a large extent be frustrated unless we obtain parliamentary powers to secure so much of the land of the country by an easy process as may be needed for the absolute wants of its population. I am not aware of any other nation in the civilised world where land is held under so severe and exclusive a tenure.

It is conceded, I think on all hands, that such an alteration in the law is reasonable, and has become absolutely necessary; and I have little doubt that if we go to the government with a carefully prepared measure, we shall receive their support in the next session. I am most anxious to secure unanimity of purpose among those who are labouring for the same end; and I am hopeful that the discussion of this day will tend to produce that unanimity. The question is now narrowed down to a single and well-defined issue, and the principle upon which it arises I will endeavour to state. The question, then, is: In whose hands are the powers I have indicated to be deposited when they are obtained? Are we to prepare for and rely upon voluntary exertion, stimulated by an expectation of profit, to put such an Act in force, or are we to rely on the existing local authorities in each district. A number of able and earnest men, impressed by the magnitude of the evil and the hopelessness of overcoming it by voluntary effort, invoke the aid of the State, and ask the government not only to give facilities for the erection of dwellings, but actually to erect them. They seek, in fact, that houses for the poor should be built out of the rates. In the last session of Parliament Mr. Torrens, who has made this subject one of special inquiry and study, introduced a Bill which went to this full extent. He seeks to obtain compulsory powers to obtain sites, placing the powers in the hands of the existing local authorities—that is, the vestries and district boards of the metropolis are to take the initiative; they are to erect dwellings and maintain them by a rate levied for the purpose. This Bill was submitted to a select committee, and, after passing that committee, was in an amended shape brought again before the House of Commons. From the pressure of public business it was withdrawn for the time. That was a result at which I am sure the promoters of the measure will rejoice when they have fully reconsidered the whole case. With so much public feeling on

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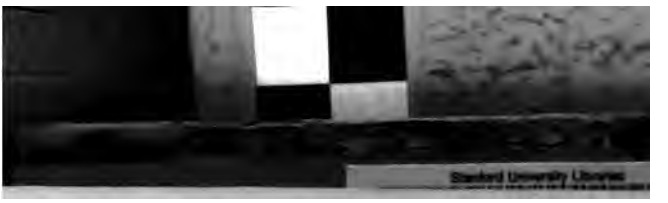
the subject, and after so many years of arduous labour, it would be a grievous pity to throw opportunities away, and reap disappointments through an act of hasty legislation. I feel assured that such a measure, if it became law, would be a miserable failure. In the first place I demur to the principle of the Bill so far as it places the power of erecting dwellings, and levying rates for that purpose, in the hands of local authorities. I cannot see that it is within the province of any government to supply dwellings for the people any more than to supply them with food and raiment. It is not the business of government. That is an established economical and political principle. But then it is said that occasions may arise when government may step out of its province and give a start to some public project and direction to private enterprise, and find money for the purpose out of the public funds; and I think Mr. John Stuart Mill so far relaxes a principle he strongly insists upon as to admit of such occasional interference on the part of the government. I am not aware whether he would accept this case as one of the favoured exceptions. The case of the cotton famine is one that all men would accept, and I apprehend would justify to the fullest extent the prompt action which the government introduced. The work of erecting dwellings for the people is altogether another thing, and I object to the postulate that private enterprize has failed in the accomplishment of the work. In this field of labour, private enterprize has not had fair play. It would be well to inquire into the reasons why private enterprize has not kept pace with the demand. In a country with a redundant capital, and numbers of persons eager to employ it in every field of exertion where it promises a reasonable chance of profit, why have dwellings for the people not kept pace with the demand? If we look at the metropolis, we find houses in all directions, springing up as if by enchantment. It always will be so, for there is something strangely attractive in building operations for a certain class of people, but yet we find only few attempts to build houses for the humbler classes; and why is this? We may ask also, whether local governments would be likely to enter upon an undertaking where private enterprize has not found profitable employment with any better chances of success. The difficulties are these—the costliness of such structures arising mainly from the high price of land, and the trouble arising from the loose and irregular habits of the smaller class of occupiers. Would a vestry, armed with the power of erecting dwellings be more able to cope with these difficulties than a private company or individual? That vestry would require the compulsory provision to obtain sites for the erection of the dwellings; and with such powers extended to them, a private company or individual would rise superior to a vestry in ability to construct the dwellings and to regulate the letting and collecting rents. Give to Mr. Waterlow a site at the same price as it would be given to a vestry, and he would obtain better results, and what Mr. Waterlow could do, any other man can do of equal means and ability, who would avail himself of Mr. Waterlow's experience. The Bill, if it becomes law, will be a

great failure. What does it ask? Why, that the houses should be erected by the vestries or local boards at the expense of the rates; and who are the vestries? Why, the elected of the rate-payers. It must not be forgotten that the majority of the rate-payers are struggling men with scanty means, and in London they are already complaining, and not without justice, of the oppressive amount of the rates for various metropolitan improvements. Those who know anything of the local governments of the metropolis—thirty-nine of them in number—will at once say that in no instance would the powers given under the Act be enforced. The men elected to the vestries, reflecting to a large extent the feelings and opinions of those who send them, would not, in fact could not act in open defiance of those opinions. A resistance to an Act of Parliament, the provisions of which are only permissive, would be justifiable, and I believe it would be simply impossible to enforce its compulsory provisions, and no reason can be given for the enactment of such a law, but positive proof that private enterprize had been proved unequal to the undertaking. No such proof has been given, but, on the contrary, there is abundant evidence that capital, skill, and labour will be at command, as soon as the powers sought to be conferred by Mr. Torrens' Bill upon the vestries can be extended to a trading company, registered under the Companies' Act, and the fact, that building and freehold land societies, have now an estimated capital of £15,000,000, is evidence that there are available means among the people themselves. As an example of what is the fate of similar measures, I may notice the Lodging House Act of 1851, introduced by Lord Shaftesbury and carried through the House of Lords by him. That Act gives to the properly constituted authorities the power of erecting lodging houses for the poorer classes at the expense of the rates, and crediting the same account with the income derived from them. There is only one instance of that Act being made available. This is a significant fact, and ought to be a warning to those who expect much from the local authorities. We want then a power that can be applied, and not a still-born measure that will bring no results but vain regrets over lost opportunities. The question is a vital one, and must be worked to a solution by men who believe that in trusting to the people themselves and sweeping all obstructions out of the way we are preparing the basis for sound action and satisfactory results. The necessities of the case are great and urgent, but I hope we shall not imitate the conduct of the men who went to hew down the forest with axes made of iron when weapons of hardy steel were at hand. I have objections to the Bill in its details, but I will not enter upon those, having given full expression to my dislike to the principle of it. I am not prepared to unite in the general and sometimes senseless cry against centralization, but I am jealous of government interference in matters of trade, and in fact in all matters where the people can accomplish the work themselves. We must be careful not to enervate the people by taking their proper work and doing it for them, and I know of no more serious obstruction to real progress than the creation of a



large body of public functionaries for the execution of public works. The existence of such a body of paid officials means confusion, extravagance, waste, and neglect of the work proper to be done, and sometimes the execution of work which had much better be left alone. I could refer to many pregnant examples would time permit, and, therefore, I am prepared to rely upon the exertions of the people themselves, and ask the government to give all reasonable facilities. The people may blunder in some particulars, but their blunders will be less costly and more instructive than those made by paid officials under any form of municipal government, and where the blunders are made they will be more easily set right. A Bill is now before the nation prepared by a joint-committee of the Society of Arts and this Association, which embodies all that is valuable in the Bill of Mr. Torrens, but with this essential difference, that it places within the reach of any trading or commercial company or any individual the same scope of action that Mr. Torrens would give only to vestries, local boards, and corporations. To the provisions of this Bill I solicit attention, as in my judgment it is the only measure that will be effectual in meeting the difficulties of the case.

An Account of a few Houses let to the London Poor.
By Octavia Hill

Two years ago I first had an opportunity of obtaining entire control over some house property in London, which I could let in weekly tenements to the poor. I was convinced that no elaborate contrivances, however necessary, would avail to make the houses of the poor what it was desirable that they should be, even in a sanitary point of view, but that personal care, supervision, and teaching were required. On the other hand I was equally sure that the working classes would not readily listen to any one going among them with this object, but who possessed no clearly defined right to offer advice, nor any power to enforce obedience to directions. A landlady's authority is a well recognised one, and I thought that any lady who would enter upon her duties, and who could love and care for her tenants, might be instrumental in working many valuable reforms, and would at once bring herself into contact with the hard-working and self-reliant among working people. I knew too that it would be a great advantage to any one desiring to help them to learn their wants and characters incidentally, while entering into other relations with them than that of a giver, and should money help be wanting it was far better rendered by one who was continually requiring from them a strict fulfilment of their own duties. My conviction was, however, that what was wanted was not material help in any form, but a quiet, just, firm, sympathetic rule; that they needed encouragement to hold fast to their best convictions, and

sympathy about carrying out their best plans, as well as some direct teaching.

On mentioning this plan to Mr. Ruskin he entered warmly into it, and at once furnished me with the whole of the money required, taking all the risk upon himself. He much desired, however, that the scheme should pay, in order, as he wrote to me, that he might prove and practise one of the first principles of his political economy —that proper use of money would give proper interest.

Being then empowered to do so, I bought three houses, containing six rooms each. The property is leasehold, with an unexpired term of fifty-six years; this was purchased for £750. The ground-rent is £12 a year. The houses were in the hands of a builder, who had let them to quarterly tenants, who again sub-let them to weekly lodgers, each making of course their own profit, and governing with a rule that was certainly anything but beneficent. Eighteen families inhabited the eighteen rooms; the largest of these families consisted of eight persons, living, eating, cooking, sleeping, and washing their clothes in one room. The small wash-house in the yard was not allowed to be used except by those who paid the higher rents—the first-floor lodgers. The houses were well built, but frightfully dirty, the blackened paper hung in long strips from the staircase walls, the place was swarming with vermin, the drains were partially stopped, the water supply out of order. We got rid of the quarterly tenants, and let direct to the weekly ones. These had been paying for single rooms rents varying from 2*s.* 3*d.* to 4*s.* We offered them two rooms for rents varying from 4*s.* 6*d.* to 5*s.* 6*d.* We had the houses thoroughly cleaned; arranged that the washhouses should be used in turn by all tenants; repaired what was out of order, but added no additional conveniences; these we intended the people should wait and work for, and obtain gradually as they proved that they could take care of them. Their careless destructiveness was great at first, but this has now been checked to some extent. After a few months had passed I called the women together and pointed out to them how wrong and foolish the thoughtless waste was, what trouble, expense, and pain it gave me, and I appealed to them all to help me to take care of the houses. I also said to them that I set aside a certain sum for repairs each year, that they were entirely and heartily welcome to have the whole of it spent on the houses, but that it would have to be spent in one of two ways, either in repairing things needlessly broken, and unstopping drains down which they had thrown house-flannels, cabbages, lids of saucepans, &c.; or in adding to their comforts, placing little safes for their food, papering their walls, fixing better grates, or in any way making the house more comfortable for them. I should have liked them to meet and vote the surplus money for things generally wanted, but I knew that any small private advantage they might derive from their care, would be more evident to them, so I appointed that each tenant should decide in turn what was to be done with the quarter's surplus in each house. Affectionate concern about my own annoyance influenced them first. I think that

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they had little expectation of any result to themselves. They have extremely little power of looking forward; but they were more careful. At the end of the quarter I furnished each house with a statement of the sum spent in repairs; in two houses a surplus remained; one woman chose to have her room papered; another to have a mat for the passage, a broom for the yard, and a new latch for the front door. The woman in the house where there was no surplus was rather aghast, and said apologetically she was sure she was as careful as she could be; the next quarter, however, there was a surplus in each house, and the increased forethought and care among the inhabitants are very marked.

At first it was considered quite an unnecessary extravagance to take two rooms. In no case did I expel tenants occupying one room only, but when I let to in-coming tenants with a large family I insisted on their taking two, and gradually the plan has commended itself to them. One woman said to me in amazement, a little after she had taken two rooms, "My husband says, Miss, it is so nice to come into another room to his breakfast of a morning; he seems quite to take to it." So little had they been accustomed to use more space, that actually one woman proposed living with her husband and six children habitually in one room, and keeping the second for Sunday evenings, but soon adopted the advice to use both in common.

My hopes of advantages resulting from the substitution of a just and equal rule for that formerly exercised, have been more than realized. The landlords and landladies of such houses belong often to a very low class, they tolerate and share in the vices of their tenants, and periods of weak indulgence alternate with fits of passionate violence; too often they shew an entire want of truth. For example, the landlady of one of these houses in a fit of petty revenge tore off the door of the copper, so that it was utterly useless to her tenants. And again, when one of her lodgers had sent for the dustman to clear the dust-bin, which had been for months unemptied, although he intended to bear the expense himself, she gave him notice to quit his room, considering it a reproach to her own management. This woman and the landlord of the third house were habitually drunk. The tenants naturally longed to be freed from the dominion of such people. They have not been disappointed in the main, though the advantages have not been at all of the kind that they imagined. At first they had large hope from a lady's buying the houses. They thought that their rents might remain unpaid, that they would have great and frequent gifts. They found instead, a far stricter fulfilment of their engagements required, a sterner enforcement of them made, but they quickly learned to delight in the sense of a just rule over them. One woman said, when I refused her request that I would make some repairs: "Well never mind Miss, we know you've said what you mean, there are them as say they'll do it to-morrow just to put us off; we'd rather have it said downright out." I find also that they learn to yield quickly to directions which they know are not the result of passion or caprice, but are based on a fixed

purpose and principle, and are therefore not to be altered by any complaint of their's, and this gives a great feeling of quiet to their lives. I often think how awful it is that common honesty, truth and self control should be so rare among those holding enormous power over these people, that the existence of such qualities should appear marvellous, and deserving of so much gratitude. One day a painter I had employed had been drinking. I was much grieved. A woman in the house said to me, "I'm sure it's very ungrateful of him after all you've done for him." I replied, "Oh it's not ungrateful, I have done nothing for him but give him work, which he has always done well hitherto. He owes me no gratitude, only I'm so grieved because I know the man's family, and he has been trying so hard to raise and help them, and for two years has not drunk at all, and it is sad and hopeless for him to have begun again, but I have not helped him." The woman answered gravely, "Well Miss, I don't know what a working man wants more than just work, and a fair price for it, and a little feeling for them as belongs to him." The words rang long in my ears with sad reproach, that these requirements should ever be unfulfilled.

Nothing has touched me more than the large hope of these people; crushed, sunken, beaten down as it has been, it seems to rise with a quite marvellous elasticity with the slightest impetus, as if it were the one spark of Divine fire from which their better life was to spring. Their immediate and entire trust is also very wonderful. The spiritual growth under such a rule as I describe varies infinitely with power, character, and circumstances; the more supervision, social gatherings, and educational work that can be arranged the more may be done of course. I do not pause to speak of the particular ways in which we have planned these, but pass on to state the pecuniary result.

The plan has now been in operation a year and a-half, and its success commercially has been entirely satisfactory. After paying ground rent, taxes, repairs, insurance, setting aside a redemption fund for the repayment of capital, allowing ten per cent for the collection of rent (should a professional collector hereafter be employed), in short after meeting every expense, these houses pay, and have paid, five per cent interest on the capital invested. They have done so, even though we have employed £78 in building a large room in which we can hold our work-class, and can meet our tenants from time to time for various purposes of work and play. The per-centage realized might have been far higher; the sums actually paid by the poor in rent are sufficient not only to pay the capitalist, but to support a middle-man out of the difference of what the poor pay him, and what he pays the capitalist. Thus, in the present instance the weekly tenants were, before our purchase, paying yearly £33 more than they are now doing—a sum which would have enabled us to secure nine instead of as at present five per cent. Mr. Ruskin wished that we should devote the profits which the middle-man used to swallow up to lowering the rents, so that we now let

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two rooms for little more than the rent of one; for while he believes that it is all important that the scheme should answer in a money point of view, and that it ought to be possible for a workman to pay for his own home, and that the value of this small effort would be lost if it was in any way a charity, yet he holds that after a fair per-centage has been paid to the capitalist, the profits ought to belong to the people. The result of the work has so far satisfied Mr. Ruskin, that he has lately purchased additional property for the same purpose. On it we have this summer made eighteen rooms available for letting to the poor which had not been occupied by them before, and the results of this later experiment promise to be as satisfactory as the previous one.

I ought to point out to anyone who may think of undertaking such work the extreme importance of informing themselves of the laws and customs respecting such tenancies, and the exact measures to be taken if rent is unpaid, else large losses and expenses might be quickly incurred, and experience in management dearly bought. They must also consider honestly with themselves whether they have really counted the cost of enforcing such measures as shall keep up a stern sense of duty and energetic industry among their tenants, and secure themselves from loss by bad debts. It would be wrong not to mention that the pain is a very deep and sharp one, only to be borne by a very clear conviction that such a righteous rule is a great blessing to the poor, and that an indulgent or variable one is a curse to them. Ladies undertaking such work must at once and entirely brave the appearance of cruelty and meanness, bearing it as a necessary pain. It must be literally nothing to them if they are called, as I was called last winter, "Harder than the frost itself;" but far more than this indifference to appearance of harshness must be gained, an unalterable determination to refuse money help in cases of real poverty is needed, and on all occasions a resolution to supplement the people's efforts rather than to substitute their own. Once make this clear to the people and it braces them wonderfully, but on this kind of government depends the whole success of the scheme, and I would repeat the pain of refusing to wait for rent is often great; much knowledge of character is required and quick invention and perception to deal with each person wisely. With much care and fore-thought on my own part I have found it always possible for tenants with a moderate amount of sobriety and energy to pay regularly. The fluctuations of work in London are their main difficulty. Just to equalise these a little in my own small circle, I habitually reserve any work I require done which I can delay without serious inconvenience, that it may be ready to give them in time of want. Small arrangements of this kind make all the difference to the poor. With such they often manage to keep out of debt into which they would otherwise have sunk, and from which the more abundant work of another season would probably not have cleared them. "Show me you are energetic men and women," I say to them by my deeds, "and you shall not want a strong friend to help and

and advise you." Most of them take heart and swim on very bravely through the storms, and the few who will not struggle to the hand that would so gladly help them, and sink out of sight overwhelmed in the waves, sometimes remember and return after long wandering.

Our experiment is quite small, but it seemed that for that very reason it illustrated a possible way of work that might be of use; and my own belief is ever more strong that the difficulty is not one of money but of government. It is perfectly easy to make such houses pay. The question is, will you choose to make them answer, and can you be the head of such a body of people, ruling, guiding, and helping them through all their wrong and wrongs?

I subjoin a small account of our annual income and expenditure:—

Weekly rents amount *per annum* to	£113	Taxes	£15
		Repairs	15
		Ground rent	12
		Insurance	1
		Balance	70
	£113		£113

This balance pays:

Interest at 5 per cent on £800	£40
Redemption Fund	10
Collection (if required)	11
Balance for losses; our actual losses this year have been under £2	9
	£70

MANAGEMENT OF WORKHOUSES.

What means ought to be adopted for Improving the Management of Workhouses? By SAMUEL W. NORTH, *of York.*

To relieve the distress of others, in whatever form it may present itself, is a natural characteristic of our common humanity, wherever civilization has elevated a people above the imperious demands of appetite.

The systematic relief of the poor and its regulation by legislative enactments is but an outgrowth of this common sentiment of humanity, directed by prudence and foresight—prudence in the method of its administration, and foresight as to the remote consequences of the relief administered, the aim being to accomplish, so far as

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possible, the good of the poor and the diminution of pauperism. Laws, wise and just, based on equitable principles, are the strength of a nation, and serve to foster within it great and excellent qualities; whilst allowing to a people the utmost freedom of action, by removing all hindrances to their advancement, prudent legislation will aim to encourage a spirit of independence and self-reliance, without which national prosperity is impossible. The character of a nation is but the aggregate character of its citizens; whatever tends, but in the slightest degree, to diminish their self-reliance, in so much weakens the energy, hinders the growth, and, it may be, hastens the decay of that nation.

Whilst it is the pleasure and often the duty of the individual to relieve distress, without being mindful either how it has arisen or what may be the remote consequences of affording relief, it is the paramount duty of the State to take care that the relief it administers does not exceed the strict necessities of the case; and, above all, to take heed that by the method it adopts it does not inflict a greater injury than that it seeks to remove, by breaking down those barriers which help to guard a people from the possibility of losing their independence and that desire to help themselves which can never long possess those who, being able, do not earn the bread they eat. The State is but the trustee of the public charity, and has no right to use the resources placed at its disposal in any other way than that which is compatible with the strictest justice; its sympathy must be guided by prudence, and its charity controlled by the sternest sense of duty: it must never forget that there is in the first instance imposed upon every citizen of a free country the duty to earn by his own labour the bread he eats, and from the produce of that labour to feed his family, and that it has no right to step in until he has exhausted every reasonable means to do that which is required of him; the State has no right to take the earnings of honest industry to feed and clothe the idle and the dissolute; the helpless and the destitute, they who, weary with the march of life, have fallen by the way, are the true objects of national as of individual sympathy, and a wise government will ever be ready to raise and to help them, to soothe those it cannot bring back again to independence, and teach those who have lost the way how to regain it, and bring them again within the ranks of honourable citizenship. Such, I venture to think, are the broad maxims on which alone it is wise or safe to administer the national charity, and these, as I understand it, are the principles of the modern poor law; this being so, if error has arisen, we must look for its origin in some fault of the executive, and not in the law.

No question requires such careful consideration, or such entire freedom from mere sentiment on the part of those who undertake to deal with it as the national relief of the poor. Hence the danger and the folly of all sensational writing on the subject. It is not the emotional element of our character that needs to be aroused, but the determination to bring to bear on this great question that

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[illegible]

[illegible] the new law. [illegible] the [illegible] of the authorities. A rigorous system [illegible] which has been [illegible] and thousands earn [illegible] under the former system would have been [illegible] [illegible]

[illegible] everywhere prevailed, and I [illegible] of the poor law. We may look for the [illegible] the [illegible] which exist in our workhouse management [illegible] that they are a natural consequence of the law, or that they are in any way chargeable to it, but rather to the fact that the energy and attention of the administration has been too exclusively directed to the repression of pauperism, and has to a

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great extent overlooked the mass of mental and physical misery which everywhere pervades the pauper population.

The medical aspect of pauperism has never received that attention either from boards of guardians or the central authority, which its magnitude and importance deserves. Hitherto it has been looked upon only as an incident in the administration of relief, as one of those secondary questions which may sometimes deserve attention, but always a subordinate one to the general method in which the relief of the poor is administered; whereas, in truth, from whatever point of view we regard it, it is the most important element in the national relief of the poor; sickness in some form being the most frequent cause of pauperism. As a natural consequence, the medical relief of the poor, more especially in workhouses, occupies a false position; the duties incident thereto have to be performed in an establishment pervaded by the spirit that, if well managed, it ought to offer no temptation to its inmates to remain, and that whilst no one need die for want of food, the hardest toil and scantiest fare are to be preferred to the accommodation of the workhouse. One broad principle underlies the whole system of relief, whether in the house or out of it, viz., that the condition of the pauper ought to be somewhat below that of the lowest class who can exist by their own industry; and what is the condition of this class? physically and mentally, they are below the average; they possess but little persistent energy, and none of those qualities which induce men to aim at an improved position; if not contented, they passively endure the evils with which they are surrounded—badly housed, indifferently fed, need we be surprised that their tendency is to degenerate, more especially when we remember the fact, that for the most part their condition is aggravated by the entire absence of any sanitary arrangements; that they are familiar with dirt, and know nothing of the value of pure air; that disease and infirmity abounds amongst them; and that with few exceptions they enjoy none of the advantages of nursing, or of that varied cookery which serves to tempt the sick man's appetite; that medical treatment is often a mere pretence, from the fact, that the best instructions are seldom even indifferently carried out; and that as regards the sick, the worst condition of the most ill-managed workhouse presents but an ordinary picture of the helpless state to which this class is reduced when attacked by disease.

Such being the condition of the class beyond which as a principle it is deemed undesirable to elevate the pauper, need we be surprised at the defects which recent investigation has shown to prevail, all but universally, in our workhouses; for, it is from the lowest stratum of this class that the bulk of their inmates are drawn; they do but carry with them the evil habits and defective conditions with which their life long they have been surrounded, with this difference, that they rarely find their way into the workhouse until disease of body or mind has still further reduced their energies. Accumulated together in great numbers in houses designed to receive, or to offer to receive, those who do not work, by the offer of which that test

may be applied, which has for its object the reduction of pauperism, and where, whilst offering subsistence, no inducement is held out to remain; need we wonder that establishments governed by this spirit have failed to secure proper care and comfort for the sick. In the majority of workhouses any arrangement for the kindly treatment of the sick and infirm is a secondary consideration, to be extemporised as occasion may require; though the rapid accumulation of these cases has in many places in some sense produced a remedy, necessitating better provision than the ordinary wards of the house, yet, in the best of them, it is but an extension of the same building, pervaded by the same spirit, the entire arrangements cramped and fettered by the same narrow views. To this hour the care and treatment of the sick pauper forms no prominent part in the administration of the poor law, notwithstanding the fact that disease of body or mind forms by far the largest item in the causes which necessitate relief: there is no authoritative arrangement, no system, no organised supervision, in the remotest degree adequate to the importance of the subject. I can scarcely believe that the legislature, or the central authority charged with the supervision of the administration of the poor law, can ever have fully realised the extent of the interests involved in the medical relief of the poor, or they would never have overlooked the fact, that, under their auspices was growing up a system which would one day be a scandal to the nation, and jeopardise the principles on which the general relief of the poor is administered; these principles, as I have said before, are wise and just, when applied to the broad question of relief, and as the basis on which it ought to be administered; the error has arisen from overlooking the fact, that a large number of cases require a relaxation of the rule, that their treatment may be relieved from the incubus of a system necessarily harsh, however just and prudent it may be when applied to the able-bodied, the idle, and the dissolute. The need for some modification has been fully recognised as regards the pauper lunatics: as a consequence, the institutions in which they are maintained are amongst the noblest in the land; insanity is but a disease, and surely if it is wise to modify the system for one class of the afflicted, it is equally prudent and philanthropic to devise some method whereby the ordinary sick may be satisfactorily treated and cared for; the question is a national one, and in no sense belongs to any mere local authority.

Pauperism may doubtless be increased by injudicious legislation, the idle and improvident taught to feel that it is easier to live as a pauper, than to labour for a scanty provision, so far as this class is concerned, the hard discipline of a workhouse doubtless exercises a beneficial influence, stimulating them to renewed exertion to maintain themselves; but surely, there is a stage of pauperism when men have sunk by infirmity and disease to the lowest level of social existence, when these hard principles may be relaxed without fear of increasing the evil. Sickness and decrepitude are not likely to be extemporised as a means of obtaining relief; to

form one in that miserable array of disease and death with which the workhouse abounds will not be desired, that the sufferer may enjoy the comforts of an infirmary.

It may be useful, and serve to help our inquiry, if we pause for a moment to consider the character and condition of the population ordinarily found within the walls of a workhouse. Children, frequently either orphans, or the offspring of parents who have never fulfilled a single duty towards them, many of whom bear on their care-worn countenances the unmistakeable evidence of the hardships and privations they have endured; women, single or widowed, with families they are unable to maintain, for the most part illegitimate; aged men and women, whom failing strength incapacitates for labour, or even for taking care of themselves; a few, very few, men able to work, and these for the most part, through some defect of body or mind, unable to obtain regular employment; imbeciles and lunatics, men and women in every stage of mental decrepitude, hasting to decay, needing the most watchful care to sustain the feeble spark of intellect that still remains, and prolong their existence; and, lastly, an array of sufferers diseased and decrepit, amongst whom may be found every form of decay by which the strength is undermined and death hastened—palsy, cancer, consumption, asthma, and all that nameless group of morbid conditions which have their origin in vice, or are the result of long continued want and privation, degeneration in every form, mental and physical, fill up the picture. A melancholy group, prostrated by disease, and but awaiting that summons which shall, at the same time, free the State from the burthen of their maintenance, and themselves from the misery of hopeless suffering. Weeks and months of distress, soothed by little human sympathy, are frequently borne without complaint, their condition is eminently one of passive endurance, and their patience in many respects the result of apathy, rather than resignation—an apathy engendered by the hopelessness of their condition. Amongst such a population it is only reasonable to expect to find every species of neglect that can spring from indifference; apathetic, themselves a burthen to the place that maintains them, their relief is crushed under the incubus of a system which no officer can remove and no local authority entirely eradicate.

Having said thus much on the character of the pauper population, the principles on which relief is administered, and the errors which a rigid application of these principles are likely to give rise to, let us for a moment consider what the chief defects in workhouse management are, and how far the defects themselves indicate their origin and suggest the changes required for their removal; for no sufficient method of amelioration will ever be devised or successfully carried into effect that fails to perceive the true cause of the evil; no mere superficial patchwork can do more than hide the wrong; the cause must be sought for, that, if within the power of the executive or the legislature, it may be removed, before we can hope permanently to get rid of that misgovernment which in so eminent a degree pervades the whole system.

Nearly, if not the whole of the defects which have been described in our workhouse management have their immediate origin in the crowding together, in houses ill-adapted for their care and treatment, and without adequate supervision, of an infirm and feeble population; the abuses are of the same nature and spring from the same cause as those which everywhere exist amongst the lowest class of the out-door poor; remotely, I think they have their origin in the principles by which those are guided who are entrusted with the administration of relief, from too rigid an adherence to these principles without recognizing the importance and interest of the exceptional cases. I am satisfied that none of the authorities concerned in the administration of the poor law have ever sufficiently realized or appreciated the amount of disease and infirmity they were gathering together, or the need there is for better provision for its care and treatment than that required for the relief of ordinary pauperism. The standard on which the general relief of the poor is administered has been too exclusively kept in view, to the neglect of those humane considerations which are essential for the proper care and comfort of the sick.

Workhouses, originally defective and ill-adapted for the reception of the sick, have continued to be used, and even enlarged, on the same principle, regardless of the fact that they were being rapidly filled with a population, not of the idle or worthless, but of the sick and infirm, who require and have a right to receive, not hard discipline, but extensive and liberal medical treatment. The truth is, and it cannot be too frequently repeated, the care of the sick has not hitherto, as a rule, formed a prominent feature in workhouse management, though more than half the inmates require medical attention. As a consequence, the relation in which the medical officer stands to the governing body is a false one; heavy and responsible duties are imposed upon him under circumstances the most unfavourable, he has not, as he ought to have, merely to treat the sick with all needful appliances provided to his hands, but he has to stand between them and that system of repression framed for another class, and to provide from the fertility of his own resources everything that ought to be there without his interference. The treatment of disease is no easy or encouraging task with all the aid that wealth and kindness can provide; how much more difficult must it be when all these are wanting, and where, in too many instances, the duty has to be done in spite of opposition and obstruction. Briefly, the shortcomings in workhouse management may be summed up under the following heads—at least, so far as the medical department is concerned:—overcrowding; absence of proper classification; absence or insufficiency of nursing, medical appliances and comforts; defective dietary and cooking arrangements, and all those minor evils following in their train. The cases recently reported in the public prints sufficiently indicate the nature of the evils which spring from these defects; and there is to add to all these the evils arising from the impolitic system on which the purely medical relief is supplied.

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Starved at every point—how can we expect it to be efficient? Were it not a painful reality, exercising a most injurious influence on the interests of the poor and of that profession to which I have the honour to belong, the whole system might be regarded as a farce, devised for the semblance of things, and never seriously intended to meet the stern realities of disease and death, with which it has daily to do battle under the most adverse circumstances.

The secondary consideration paid to the medical wants of the poor by every branch of the administration, and the various circumstances in their condition to which I have already referred, are, when viewed collectively and in relation to the principles on which relief is administered, sufficient to account for the origin and extension of most, if not all, the evils complained of; neglect of duty and incapacity of officers supply the rest, and even these might with justice be attributed to the same cause. I think they cannot with truth be altogether charged to the shortcomings or wilful neglect of boards of guardians, numerous and serious as in many instances these are known to be. With more justice they may be regarded as the outgrowth of a system which, admirable in itself, and singularly well adapted for the accomplishment of its primary object, the suppression of pauperism, whilst denying subsistence to none, has failed to prevent (through its very efficiency) in one point the growth of a serious and discreditable wrong.

It would be equally unjust to charge all the neglect and cruelty that has been disclosed to the omissions of the Poor Law Board, yet, in assessing the responsibility, it must never be forgotten that they are the only body which has a complete and intelligent knowledge of the working of the system. The entire arrangements of every workhouse, as regards plan, the cubic space allotted to each inmate, the diet, and, in fact, all the details of management have to be submitted to and approved by them; every one of these establishments is under the constant inspection and supervision in all its departments of competent officials, whose duty it is to keep the Board informed on all matters affecting their management; they alone are entrusted with the power to make regulations, and to give them the force of law. Remembering all this, and how ample the powers of the Poor Law Board are, and how they have, in spite of appeal, in spite of remonstrance, in spite of the almost wearisome iteration with which, in their widest sense, the medical wants of the poor have been brought under their notice, refused to concede the smallest modicum of relief, and that it is precisely in this department, and in this alone, that the deplorable break down in the system has occurred; justice precludes my saying that I think they have handled this great question in a way becoming statesmen, armed with the authority of the government. If these appeals have been sometimes injudicious, sometimes unwise, in the nature of the change asked for, they have never been dictated by selfishness, and have never been unmindful of the wants of the poor.

This brings me to consider the position of the workhouse medical

officer and his relation to boards of guardians and the poor. Nominally, he is armed with considerable authority, practically he is powerless, his position being in many respects subordinate to that of inferior officers: he is authorised to point out defects in the construction and arrangement of the sick wards; in the nursing and care of the invalids under his charge, and to direct the diet he thinks suitable for them; all this he may do, but he is in no position to enforce the adoption of the smallest item, if so be that the guardians and the officials do not think fit to adopt his views. The medical officer has no control over the construction of the building, or the position of the wards intended for the sick: as to the nursing, all he can do is to point out what he conceives to be defective, and so far shift the responsibility from his own shoulders. If the guardians believe that pauper nurses are sufficient, he has no power to alter their arrangement; he cannot change the bedding or furniture of the wards, or in any way contribute to their comfort and cheerfulness, unless his views are approved by the board, whose servant he is; he has no power to secure kindness and sympathy for the sufferings of his patients; he cannot, and ought not to be expected to look after the common decencies of the place; he cannot see that medicines are duly administered, or his other instructions properly carried out. If the board of guardians, under whom he acts, have a kindly feeling and sympathy for the poor, and entertain a respect for his opinion, the comfort of the sick is materially enhanced, and the establishment may be in a creditable condition; but, if on the contrary, they have little or no sympathy, and do not feel disposed to surrender their opinion to his judgment, the case is hopeless, and he is likely soon to become apathetic, and all the evils incident to such a state of things to be developed; so situated, if he cares for his appointment, he soon discovers that the wisest and most comfortable course for him to adopt, whilst doing the best he can for his patients under the circumstances, is patiently to endure the wrong until he can afford to hand it over to some one else. Such a state of things ought not to be possible, and such a burthen ought not to be cast on any officer. It may be said that men so situated ought nevertheless to discharge their duty regardless of personal consequences, that they ought never to rest satisfied until the evils are removed; this is true no doubt, but the qualities of mind required for the performance of duty under the pressure of such adverse circumstances, are possessed by few, and those for the most part men who are not likely long to retain appointments where they have this battle to fight. If we expect any duty, however simple, to be well and efficiently done, we ought to see that every obstacle to its performance is, so far as possible, removed, and that the question, whether it is done or it is not done, shall rest in the individual entrusted with it, without the possibility of his being able to plead for neglect, that, through some fault of ours, it was impossible. To all these difficulties we must add the fact, that the men to whom is entrusted the medical relief of the poor are, as a body, miserably underpaid, even for the work

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they have to do, and that in addition to this, they have to provide and dispense all medicines required, for a pittance which, in the majority of cases, falls short of the mere cost of drugs in our public dispensaries.

Could any system be worse than one which requires an officer out of a fixed stipend to provide goods of the nature and quality of which even he himself can form no opinion, the consumption of which depends on circumstances over which he has no control; the common sense of which is, that, as his work increases his remuneration must diminish, and that if he does his duty to the poor faithfully, and thereby gains their confidence, he must pay the penalty for such folly as skill and kindness, by having his income reduced accordingly. If the drugs were supplied like other articles, in fixed quantities, or at a definite rate, the contract would have some semblance of reason; as it is, it is a direct incentive to neglect of duty; and yet for this glaring injustice a parliamentary committee can suggest no other remedy than that boards of guardians should supply cod liver oil and quinine, forgetful that some other medicine is usually given with the oil, and that quinine requires something to dissolve it, and usually some cordial to render it grateful to the sick man's stomach. When remedies such as these are all that can be obtained from parliament and the authorities, need we wonder that the medical staff are discontented; that the work is sometimes imperfectly performed, and that feeling all efforts to ameliorate the medical wants of the poor useless, they fall in with the system; the theory that the pauper shall in no sense be elevated above the level of the lowest class of the self-supporting poor, thus becomes a fact even in the treatment of the sick.

In enumerating what I believe to be the more prominent defects in workhouse management, I have dwelt mainly on those which belong to the medical department, first, because they are those with which I am most familiar, and secondly, because I believe that it is here where the chief, if not the only serious defects exist. Of course, in speaking of the medical department, I include all those collateral circumstances by which the condition of the sick is affected—including nursing, cubic and floor space, diet, classification, &c.

For the most part each workhouse receives all classes of the poor requiring relief; young children; boys and girls to be educated; adults whom poverty and the burthen of families compel to seek relief, some of whom are idle and worthless; aged and infirm men and women; lunatics; the sick and diseased; and lastly, vagrants, the pests of society, and the bane of workhouses. All these varied classes and conditions are under the control of the same officer, the master, who is the head of this varied household, is for the most part unenlightened either by study or experience, as to what is needful to meet and accommodate such varied wants and difficulties as are likely to arise. He has to govern children who, from no fault of theirs, are in the house; aged and decrepit persons who need comfort and kindness to soothe their later years; lunatics, chiefly imbecile, requiring watchful

supervision to keep them alive to the common decencies of life; sick and infirm, many of whom despite their sickness and infirmity are worthless, troublesome, and ungrateful, but who, nevertheless ought to receive kindness and judicious treatment; disease in every stage, a varied array of cases, all of which need, for the attainment of even the most moderate amount of comfort, an acquaintance with their individual peculiarities; and, lastly, a nightly host of vagrants, the most depraved and worthless of mankind, amongst whom every sense of decency has long since been abolished. All this he has to do with the most woeful want of intelligent assistance. How is it possible to find men possessed of qualities sufficiently various to enable them to govern well so complex a household? With the best intentions and the most earnest desire to do what is right, failure is inevitable.

The fact is that workhouses have been, and are still, little better than receptacles for the poor, without reference to their medical wants; hospitals in which the sick, the infirm, and the lunatic are congregated together, without any special hospital arrangement, and with little or no regard to the peculiar requirements of each class.

In the preceding remarks I have endeavoured to direct the attention of the department to what I believe to be the chief defects in workhouse management, and the causes that give rise to them. I trust that in no sense I have exaggerated them. Nor am I unmindful of the fact that in many places all these evils are modified, and the condition of the poor rendered happy and comfortable, by the zeal and assiduity of officers, and the laudable desire of guardians to do all they can to improve the condition of those entrusted to their care. My aim has been to shew that there are inherent defects in the system, and that the numerous instances of mismanagement and want of care with which we have lately been made acquainted, may in a great measure be regarded as the natural offspring of these defects. In conclusion, I will briefly enumerate the various conditions which I think essential to obtain a better and more permanently satisfactory state of things. The problem being how to secure the needful care and attention for those who require it, without endangering the principles on which the law is administered, by holding out inducements to the poor to neglect their duty and to rely on the public charity; for, I am not ignorant of the fact, that if the cost of maintenance in the workhouse were materially increased, it is probable there would be a more indiscriminate resort to out-door relief than at present, and a consequent increase of pauperism; nor am I unmindful of the difficulty, nay injustice of increasing the comfort of the indoor-pauper (who is not always the best of his class), and at the same time overlooking the equally pressing wants of the out-door poor. There are, however, some suggestions, the principle of which is applicable to both cases, by the adoption of which I think the chief defects in workhouses might be materially, if not altogether, removed; to these I now briefly refer. Whilst considering what may be the best means of getting rid of an acknowledged evil in any system, it behoves us carefully to distinguish those faults which may be called local, and

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which are in the main due to the negligence or indifference of the local management, from those which are inherent in the system itself, or may reasonably be considered as an outgrowth from it. For the evils arising from the first of these causes, punishment of the offender is the remedy; for the other, a reform of the system. In no inquiry could this caution be more necessary than that in which we are at present engaged, many of the most glaring abuses that have recently been brought under public notice being attributable to gross individual neglect, and not to the system, however much it may afford facilities for the development of such evils; bearing this in mind, I shall, in briefly offering some suggestions for the reform of our workhouse management, confine myself, as I have done in speaking of the defects themselves, to general principles, and in no sense refer to any particular establishment, or instance of mismanagement, premising that any method, however comprehensive it may be, will need judicious adaptation to local necessities.

The first and most essential element in every scheme of reform is, that the Poor Law Board should thoroughly appreciate the fact that they have entrusted to their care a mass of disease and suffering that requires for its management skilled supervision as well as satisfactory treatment; that for the principles on which this relief is administered, and the system to be adopted, they are primarily responsible; they have the power to remove all serious abuses, or, if they have not, no one for a moment doubts but that Parliament would readily increase their authority to enable them to do so. This fact once fully realised and acted upon, all other reforms are easy. The whole of the evils have arisen from their not perceiving the extent and nature of the charge committed to their keeping. A little reflection must satisfy those conversant with the subject that the central authority has not, even to this moment, dealt with the question in any way commensurate with its magnitude. No remonstrance to individual boards of guardians; no censure of officers, however reprehensible; no notification to paupers how and where they may make complaints, will in the slightest degree tend to remove the evil. Indifferent officers and a generally defective management, where there is a central controlling authority, are fair indications of a system that does not work well, of an organization that is in some points imperfect. Any reform to be useful must be general, and must lie rather in the direction of new principles, or methods of government, than in the attempt to remove mere local abuses.

Those who have followed my remarks, when speaking of the cause of these abuses, will have perceived that they are in a great measure to be attributed to the association under one roof, and under one and the same management, of groups of persons in various conditions, each of which requires a separate system, or at least important modifications for its proper supervision—children, infirm, sick, and lunatic; all require some special aptitude on the part of those entrusted with their care, suitable to each class; a uniform system can never be a success.

If this be so, the remedy will be found in dissonating them, at all events so far as the sick and the lunatic are concerned, from the other departments of the workhouse. Were this the case, the guardians or other managing body would be likely to consider the wants of each class, under the conviction that they were distinct and needed different management. So long as the sick, the lunatic, and the decrepit are housed in association with the ordinary inmates, and subjected to the same management, I see no prospect of any satisfactory reform. For a time the houses may be brushed up, a little better nursing may be secured, and a few comforts scattered through the building; but they will inevitably, so soon as the crisis is over, lapse again into their former condition.

The first and most important reform I would suggest is, that, where practicable, separate infirmaries for the care of the sick, the infirm, and the lunatic should be established. In places not large enough to maintain a separate establishment, there should be a complete separation of these classes from the ordinary inmates, and they should be placed under the care of a separate officer. The difficulty of carrying out two opposite systems at the same time, and in the same place, would thus be got rid of at once; by this arrangement proper attention might be secured for the sick without disturbing that wholesome discipline which is necessary for the general class of inmates. Another advantage would arise from the establishment of separate infirmaries, a much larger number of the sick poor might be treated in them than there is at present, with advantage to the patients and economy to the ratepayer. In every workhouse, if it be possible, the sick, the lunatic, and those infirm persons who may be considered sick, or who cannot obey the rules of the house as to time of rising, &c., and who are frequently obliged to be in bed for a day or two in each week, ought to be retained in separate wards, not as has been suggested, to save the time and trouble of the medical officer, but for their own well-being. They cannot, and do not, receive anything like proper attention if they are scattered over the house. Forgotten and neglected they degenerate, become bed-ridden and dirty. In the wards of an infirmary they are sustained and comforted, and, if properly classed, have the advantage of association with aged persons like themselves. For the same reason the lunatics and imbeciles who in any sense are unable to take care of themselves, ought to be kept in separate wards, where their treatment may be managed in accordance with acknowledged principles. They are all prone to dirty and vicious habits, and exercise a demoralizing influence on the sane who may be associated with them. For these reasons, I cannot agree with those who think it right to retain them amongst the ordinary inmates of the house. I have never seen them so retained without giving rise to grave abuses.

In the arrangements of the infirmary, due care should be taken to secure proper classification and the separation of contagious and offensive diseases from the general body of the sick; every facility should be given for securing personal cleanliness, by a liberal supply

of hot and cold water baths, &c.; the closet accommodation should be near, without being offensive. To prevent this, as well as for other reasons, the drainage should be good, and the supply of water for flushing abundant. In the construction of the wards, care should be taken to secure sufficient cubic and floor space, so that, as far as possible, the atmosphere of the sick wards may be pure, and the beds sufficiently apart for each patient to receive the necessary attention, and to bear his sufferings without being an annoyance or discomfort to his neighbour. The cubic and floor space should be sufficient; what that may be must vary according to circumstances, and the nature of the cases to be treated; the larger the infirmary, as a rule, the more space will be required. No institution can, I think, be satisfactory that does not allow a thousand feet of the former to eighty of the latter, subject, of course, to the variations which good management will always know how to adopt. Due provision should be made for warmth and ventilation, good fires and open windows accomplishing this far better than any system hitherto devised. The wards should be large, and so arranged as to afford facility for rapid and easy inspection; all dark corners and obscure recesses should be rooted out; everything should be exposed to, and have the full light of day upon it. Whatever architectural arrangement affords this, together with the means of rapid supervision, and facilities of access to each department, assists the management, helps to preserve order, and reduces the expenditure.

The nursing arrangements both by day and night should be sufficient to secure to each patient all needful attention. For this purpose a proportion far below that of our general hospitals, would, I think, suffice, seeing that the proportion of cases requiring constant attention is far less in workhouses than in general infirmaries; there is less acute disease, and but few surgical cases of importance, and therefore less to occupy the attention of the nurse. A few good and efficient persons, knowing what ought to be done, and how to do it, might utilize the services of pauper inmates to an extent which would render the nursing efficient, without at the same time being expensive. In all cases the paid nurses should be held responsible for the condition of the wards, the care of the sick, and the due performance of their duty by their pauper assistants.

Whilst all needful appliances for the treatment and comfort of the sick should be supplied, the furniture of the wards should be of the plainest description, all mere luxuries, whether of bedding, furniture, or food, should be excluded. The infirmary wards of a workhouse, whilst possessing everything adequate to the wants of their inmates; should not, I think approach the standard of our general infirmaries, there should be no superfluities, nothing in fact by which the sick, whom friends are able to maintain, should be tempted to seek admission. To meet the difficulties of the class above the rank of paupers, is the proper sphere of our benevolent institutions; they may assist to tide over a season of trial, without pauperising the recipient.

Such are the general arrangements by means of which most of the difficulties hitherto experienced might be overcome. As regards the regulations more immediately affecting the patient, none I think presses more heavily than the system of fixed diets and its attendant book-keeping, by which every possible hindrance is interposed to the patients receiving that mixed and varied diet, which perhaps next to personal sympathy is the greatest comfort the sick can enjoy. It is true the medical officer may order whatever he thinks needful for his patient, but every variation he orders adds to the trouble of the master, who is obliged to collate the various items, in order that he may keep his daily account of their consumption accurately—if this variation is attempted to any great extent, the labour becomes immense, and the difficulty of keeping an accurate account almost impossible—there is thus every temptation to fall into the routine of ordering a fixed diet for the week, if there be no kindly supervision to see who can take his food and who can not; or if there is no disposition on the part of the master to meet the case, there remains no alternative but for the patient to eat that given to him, or go without. The attendants can and always do plead that such as was ordered was given, and they had no power to alter it. A rigid application of the rules as regards diet, is of itself sufficient to render abortive all other attempts to add to the comfort of the sick, and to reduce the whole system to one of cold apathetic neglect, from which every spark of kindness is removed. No satisfactory arrangement for the comfort of the sick, or even their successful treatment can be devised, that does not afford the medical officer the facilities of doing that which he does with his private patients when prescribing a suitable diet for them, namely, enumerate a group of articles from which the patient may select that which best meets the whim or taste of the time. How can a sick man derive benefit or comfort from his food when he knows that each day brings him the same quantity of beef or mutton, cooked in the same way, no change or variety by which to tempt a feeble appetite. To accomplish this, which I think one of the greatest and most necessary reforms, an entire change in the system of keeping the accounts would be necessary, and the establishment of separate cooking places for the infirmary, where food might be prepared at any hour that it was needed without restriction as to kind or quantity. With these modifications, the treatment of the sick-poor in workhouses would steadily improve, a better tone would be given to the whole establishment, and we should hear far less of such disgraceful abuses as are now to be found in the majority of these places.

Special provision for the care and nursing of infants and sick children should be provided, so that the former may so far as possible have the watchful care which a mother alone can give, and the latter the comfort and advantage of separation from the adult invalids.

There should be separate wards for the treatment of itch and other offensive diseases, though I doubt the propriety of congregating together in one ward those whose diseases spring from their own

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immorality, especially females; their vices increase by aggregation; as far as my experience has gone they are much better managed when scattered amongst the other inmates; in most towns the workhouse is the only place where they can receive proper attention, and they ought not to be excluded.

As regards sleeping accommodation, except in the case of mothers with infants, on no consideration ought more than one person to occupy the same bed.

Books and other means whereby to occupy their time should be provided for the sick, and toys for children; trifles which nevertheless frequently make the difference between happiness and the reverse.

Lastly, the position of the medical officer ought to be improved; his status and duties more clearly defined; by the removal of the numerous impediments that now exist to the free exercise of his professional skill, he would be more conscious of his individual responsibility, and more likely to discharge his duties with zeal and assiduity than is possible under the present hopeless system. His remuneration should be that which is reasonable for the services required, and ought not to include any charges for drugs or medical appliances, all of which, together with the means of dispensing them, should be supplied by the authorities. With an improved position, the confidence of the guardians in his judgment would be increased, and he would be more likely than he is at present to be consulted by them in reference to the arrangements for the sick. Seeing that a large proportion of these appointments are and must be held by men engaged in general practice, whose time is of value, the medical officer ought to be relieved from the annoyance and drudgery involved in the mere clerk's work he is now called upon to perform; as much time is spent in keeping a book that is utterly valueless for any purpose whatever as is needed for the examination and attention required by the sick. Relieved from this drudgery, another advantage would follow as a necessity, namely, prescription and diet-cards in the sick wards, affording an opportunity to those whose duty required them to know something of these things, of ascertaining the nature of the disease, the diet and remedies prescribed—a supervision which would still further tend to increase the attention paid to the patients.

Such, I think, are the broad principles on which our workhouse management ought to be based, so far, at least, as those are concerned who in any way require medical supervision, the only class for whose care any serious reform is needed. Separated from the workhouse both in structure and management, these infirmaries may and will become suitable places for the treatment of disease, where the sick, the infirm, and the dying may receive that kind and sympathising attention which every christian mind would desire them to have. Associate them with the general workhouse management, and they must in the main remain, as they are, the most unsatisfactory establishments in the kingdom.

It is not from fault of officers, or want of good intention on the part of local authorities, who are, I believe, in the main as anxious to do what is right as any other members of the community, that I wish to see these institutions separate and distinct from the ordinary workhouse; but that thousands of persons who are totally unfit and unable to bear such discipline may be relieved from the incubus of a system that was never designed for them. Nor would I for a moment suggest that these establishments should be removed from the control of boards of guardians, or that admission into them should be obtained in any other way than that adopted to gain admission into the workhouse. The method by which relief is now obtained is, on the whole, wise and just, and there is no need whatever to depart from it as regards the sick. The workhouse should be the workhouse still, only the hospital in connection with it should be managed on a different system. For admission into it, two conditions should always be required, namely, such poverty as would entitle the sufferer to admission into the workhouse, and such sickness or infirmity as would necessitate medical treatment and a relaxation of the rules. Managed on these principles, I venture to think our workhouse infirmaries might soon become a comfort to the sick poor and a credit to the nation.*

Observations on the Treatment of the Casual or Vagrant Poor of the Metropolis. By R. E. Warwick, *Vice-Chairman of the City of London Union.*

The treatment or management of this class of the poor of London has for many years been a subject of much thought and anxiety to those to whom the administration of the Poor Laws has been intrusted, as well as of much annoyance to the rate-payers and to the public. The main cause of the difficulty was a pecuniary one, arising from the fact that previous to the passing of the Houseless Poor Act, 1864, the whole of the expense for their relief fell upon that parish or union in which the poor person was found in a state of destitution; consequently, every parish had a pecuniary interest in using every endeavour to throw the burden on the finances of the next or any other place beside their own. This, as a matter of course, was a very serious preventive to the permanent adoption for any measure for the effectual relief of the really casual poor, or for diminishing

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* Since this paper was read, Mr. Hardy's Metropolitan Poor Law Bill has become law. Its application to the wants of the metropolis will afford a practical illustration of the truth or otherwise of the principles enunciated in this paper. Should it, as the author confidently expects it will do, greatly improve the condition of the poor, it is earnestly to be hoped that its provisions will ere long be extended to the country, where, if the abuses are not so great, they nevertheless exist, and are of the same character as those to be found in the metropolitan workhouses.

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the depredations of the professed vagrant. Each parish thought itself justified in resorting to any means to get rid of the charge without bestowing a thought or having a care as to the sufferings they cast upon the poor, or the evils they inflicted upon society. Thus were the miserable objects of wretchedness driven from parish to parish, until as a last resort, they grouped themselves together at the doors of our metropolitan workhouses—a disgrace to our country and scandal to our poor laws, which profess to provide for the relief of all classes of destitution.

Happily the law has removed this cause of the evil, inasmuch as it is now provided that for the future the whole of the cost for the relief and management of this class of poor persons shall be spread over the whole of the metropolitan district by an equalized charge levied at such a rate in the pound as will raise a sufficient sum.

The only question is how this just and equitable mode of chargeability can be thoroughly carried into effect so as to be the means of relieving the actually destitute and at the same time suppress that system of vagrancy which has of late years been so prevalent.

The first and most important step to be taken, is that the management of this class of poor persons shall in its earliest stages be taken entirely out of the hands of parish officers and placed under the control of the police. They are not fit objects for parochial control; their predatory habits prevent a parish officer from obtaining that correct knowledge of their persons and characters which would enable him to deal effectually with them; while, on the contrary, the police by acting in unison throughout the whole district would obtain such a knowledge of them in all their transactions as would assist them in carrying into effect the benevolent intention of the legislature in making the provision it has done for the relief of the wandering poor.

Secondly.—A sufficient number of places of refuge or asylums must be provided in different parts of the metropolis so as to be easy of access, to which the police shall convey all destitute persons found begging or wandering about the streets without a home, and a sufficient staff of officers be appointed to each of these asylums, whose duty it shall be to take chargé of the place and under proper supervision provide the food and other requisites. They should cause all persons when first admitted to be bathed, their clothes changed, and food given them. Each case must be as far as practicable inquired into and the particulars entered into a book kept for that purpose, for the purpose of identification. In all cases of illness the poor persons should be taken to the workhouse of the parish or union in which they shall have been found destitute (the officers of which shall be compelled to receive them) and where they shall be treated as usual cases of pauperism.

All children under 14 years of age should be sent to the school of the district and be kept there until of a proper age for service or apprenticeship, when they should be so provided for.

As to females, they are comparatively few in number, for I find

that in one month, while the City Union relieved 950 males, they had only 320 female applicants, and this is the proportion all the year round; of these a larger number are doubtless the children of misfortune, who may by a very small portion of kindness and care be rescued from their present state of wretchedness and made useful members of society. A certain number of these might be retained for short periods to do the work of the asylum, and in the meantime opportunities would occur by which they might be placed in situations to earn their daily bread.

The able-bodied males are a different class; a very large majority of them are strong, healthy young men, well able to earn their living, but who prefer a life of vagrancy to one of industry and usefulness; with these I have no sympathy, but under the new law I would not discard them without a fair trial; as to their future conduct, let them have fitting clothing provided for them, and allow them to leave the asylum daily for a given period, say a week, in order to try to get into work; if they fail or refuse, and prove themselves to belong to the idle vagrant class, take them before a magistrate, who shall be empowered to send them on board one of Her Majesty's ships of war, where they shall be detained and treated as common sailors, subject to the regulations of that service.

Should this system be carried into effect, I have no doubt but that in a few months this class of paupers would disappear; the truly distressed and afflicted would be provided for; the idle and vicious would be placed where they must work, or receive that punishment they deserve.

With our present system of poor laws, if carried out, there is no real necessity for any person, under any circumstances, to be found begging in our streets; the law provides for their relief, and if that law is put into the hands of proper officers, namely, the police, the relief will be given.

It may be asked, why ignore the parish officers and guardians? My answer is, they have not the power or the means at their command for doing this, nor have they, I fear, in most cases the inclination. The police are the fitting parties for the work; they form one united body under one head and government throughout the whole district, which will insure uniformity of action in all its parts. It must be remembered that vagrants in all their poverty and crime do not offend against the Poor Laws; begging or stealing is not any offence against those laws; therefore the relieving officer does not interfere. But it is an offence against the police law, and therefore employ that force to suppress it at present, and prevent it for the future.

I know that this plan (or indeed any other) will be objected to by many on the ground of expense; but let such objectors reflect what this class of poor cost us directly and indirectly at the present time; and further, let them remember that the disease is desperate and the remedy, I venture to think, effectual, and as such, cheap at any cost. It must also be remembered, that the cost is not one of

continuance; for if the proposed plan succeed, the chief expense will end in a very short period; and that, whether it be small, or whether it be large, it will be paid by the whole metropolis, each district being charged in accordance with the rateable value of its property; and when it is known that a rate of one penny in the pound per annum will produce upwards of £50,000 I think it will be acknowledged that the expense will not be a very serious burden.

The machinery for levying the rate and collecting the money is already in existence; the Metropolitan Board of Works now do the work. That being the case it will only require an enlargement of their powers to enable them to appoint the proper officers, one of the most important of which will be an independent auditor, empowered to audit the accounts, and upon whose certificate the various parishes and unions should be entitled to receive from the general fund all monies expended by them in carrying this law into effect.

I submit these observations to the Society in support of a system which my experience of 25 years in the administration of the Poor Laws leads me to believe would be a benefit to the ratepayers, and above all a blessing to the poor.

TAXATION.

What Improvements might be introduced into our existing system of Taxation? By C. E. MACQUEEN, *Secretary to the Financial Reform Association, Liverpool, on behalf of the Council, and with its approval.*

THE question "what improvements might be introduced into our existing system of taxation," suggests a fourfold inquiry; first, whether that system is sound or unsound; secondly, whether any improvements in it have been introduced of late years; thirdly, if so, whether the results of those improvements have been such as to encourage further progress; and lastly, whether the means by which these improvements were effected are still available.

The cardinal principles of a just, honest, and therefore politic mode of raising the public revenue may be thus defined:—

1st. That taxation is a debt due to the State from every subject in proportion to his means and to the advantages he enjoys from State protection.

2nd. That this debt should be so levied as to take from the subject as little as possible beyond what finds its way into the public exchequer.

3rd. That taxation should not interfere with or obstruct the operations or processes of capital, commerce, manufactures, industry, or skill.

4th. That taxation should be so devised as not to be provocative to offences far more injurious to the community than the mere non-payment of a debt; or productive of pauperism, vice, immorality, and crime.

These conditions are compatible with, and can be secured only by, direct assessment, to which we resort for municipal, parochial, and county purposes. Our present system of imperial taxation violates them all; and it is as prejudicial to our foreign commerce as an *octroi* system of levying local funds would be to our internal traffic.

Under the existing system, by far the greater portion of the public revenue is raised without any reference at all to the means of the subject, or to the service rendered him by the State. The beggar in the streets, the pauper in the workhouse, is not exempted from its operation. The State looks to the necessities and wants of the subject, not to his means, extracting the great bulk of what it requires from taxes on articles of general consumption,—taxes which press far more heavily on the poor than on the rich, absorbing a very large proportion of the earnings of the former, whilst the payment of the latter, through the stomach, is comparatively infinitesimal.

This system is entirely opposed to ancient constitutional practice. From the time of the Conquest down to the restoration of King Charles II. the lands of this kingdom, excepting those reserved by the Crown, were held on conditions of military service and pecuniary payments, strictly in the nature of rent. Whatever beyond this was required in State emergencies, was raised by direct levies from the nobility, the clergy, and the people, in proportion to their means; anything in the nature of indirect taxation being comparatively unimportant.

The Convention Parliament of 1660 abrogated this state of things, and introduced a new system. In defiance of the protests of the leading men of the day, that Parliament, by a bare majority of two, in a House of 300 members, converted landholders, who were literally tenants of the State, into landowners, by freeing them from the conditions on which they possessed their estates, and giving to the Crown, in lieu of their own rents, excise duties, to be paid by the people generally, but not by those who brewed or manufactured for themselves.

This "recompense and satisfaction," as it was called in the Act, proving inadequate, an attempt was made in 1692 to remedy the fraud on king and people, by imposing a tax of 4*s.* in the pound on the full annual value of land and real property, annually assessed by commissioners appointed for the purpose. This tax, however, was virtually neutralised by a subsequent Act of the land-holding parliament, equally fraudulent with its predecessor of Charles the Second's time, providing that the words "full annual value" should only mean, thenceforth and for ever, the value as it stood in 1692. The result of this legislative juggle is that the quota of 4*s.* in the pound is now, in some stagnant districts of the country, really what it purports

to be, whilst in others it is only pence, and in some less than a farthing in the pound, of the present value.

Considering these facts, considering also that, from the days of Pitt down to 1854, land and real property were exempted from the probate and legacy duties levied during the whole period from every other species of property; and considering, moreover, the numerous favours and exemptions conferred on land and its cultivators down to the present day, it must be obvious that landholders would have no reason to complain of a reform of our system of taxation in conformity with ancient principle and practice.

In the reign of William and Mary, from 1688 to 1702, the whole public income, taxes and loans included, amounted to £72,047,359, to which the land-tax contributed £19,174,059, or considerably more than a fourth part. But as during this reign, the "King's debt" of £664,263 was converted into a "National debt" of £12,767,225, we may assume that the increase of upwards of twelve millions was the yield of loans; that the sum raised by taxes was £59,944,397; and consequently, that the produce of the land-tax was £2,422,220 more than a third part of the total public income from all sources.

Widely different is the proportion borne by this emasculated impost now. In the financial year ended the 31st of March last, the public income, exclusive of balances, advances repayable, and proceeds from Crown lands, was £68,238,823. To this sum customs and excise duties contributed £41,120,401, no less than three-fifths of the whole amount; the income-tax £6,321,692, half a million less than a tenth part of it; and the land-tax £1,109,713 only, or less than a sixtieth part of the whole revenue from taxes, though, if now levied according to the original intent and practice, *i.e.*, honestly, it would yield at least one-half, and probably very much more.

From 1842 to 1865–6 the total income from all sources was £1,455,317,491, to which sum customs' and excise duties contributed £916,434,188, or very considerably more than three-fifths. The expenditure during the same period was £1,469,875,959, of which £1,216,359,531, or more than four-fifths, went for army, navy, and debt; matters with which the unrepresented but most heavily-taxed masses had very little to do, leaving £253,516,418 only as the cost of civil government.

The second condition of sound taxation is, if possible, violated still more grossly than the first, under our present system. What the State receives from customs' and excise duties is what the importer or wholesale dealer pays, less the cost of collection and protection, which is very great, a whole army of officials being necessarily employed; but the sum that finds its way into the public exchequer is by no means the measure of what the public pay. Those who pay the duties to the government have to be reimbursed for advance, profit, and risk of capital so employed; so, in their turns, have the dealers, through whose several hands the goods may pass before they reach the consumers, who have to indemnify them all. By this mode of converting dealers and shopkeepers into tax-collectors, the subject

is made to pay, unconsciously, perhaps, but none the less surely, very much more than the State receives. Add to what he does pay for duties and extra charges on them by the virtual collectors, what he loses or is prevented from gaining, by restriction of trade and lack of or ill-paid employment, consequent on this roundabout and most improvident mode of raising by far the greater part of the revenue, and it is difficult, if not impossible, to imagine a system of taxation that stands more in need of improvement than one based chiefly on customs and excise.

The system is one which could not be enforced for six months by all the means at the disposal of government, if goods were bought and paid for at the natural market prices, at one counter, and the duties and extra charges occasioned by them, now furtively mixed up with prices, were demanded at another, or by government officers stationed at the doors. The imposition is submitted to unconsciously, but it is none the less flagrant because the sufferers are not aware, or do not trouble themselves to think, of its perpetration.

As to the third condition of a just and provident system of taxation, customs and excise duties and regulations impede commerce, trade, industry, and the employment of capital and skill in so many ways that it is, and will remain, a mockery to speak of freedom as enjoyed by any one of them so long as these establishments exist. To expedite mercantile transactions on land and by sea, enormous expenses have been incurred; but the Custom House presents a barrier which often neutralises the advantages thus obtained, its delays, obstructions, and the additional expenses occasioned by its interference being more prejudicial to commerce than even its fiscal exactions.

As to the fourth point, our present system of taxation is so constant an inducement to the commission of law-made offences which involve no moral guilt, though often the first steps of a criminal career—so potent a tempter to fraud, and so fruitful a creator of paupers—that a very large proportion of the cost of crime and pauperism may fairly be added to that of customs and excise establishments, and the losses occasioned by them.

The most effective improvement of this system would be to abolish it altogether, by substituting direct for indirect taxation, which might be accomplished by two imposts—one on ownership, the other on occupation of property. But as this must be a work of time, requiring further enlightenment both of the people and their rulers, the immediate question for consideration is whether this most vicious system is not susceptible of very material modification, and that, too, without loss to the revenue, or injury to any national or individual interest whatever.

Of the various articles now subject to duties of customs and excise, and producing in the aggregate last year £41,236,421, six only, viz., malt, spirits, sugar, tea, tobacco, and wine, yielded £35,853,981, leaving £5,236,420 as the produce of all the rest, which included in customs, corn, and many other articles of food; in excise, carriages,

hackney and stage coaches, horses, licenses, and railways. By a simple addition of 2*d.* to the present income-tax, making it 6*d.* instead of 4*d.* in the pound, aided by a small reduction of our present excessive expenditure, all these duties save the six specified might be abolished.

At the Bradford Meeting of the Social Science Association in October, 1859, we showed that of the 460 articles then included in the customs' tariff, 21 produced the whole customs' revenue of the preceding financial year within £750,000. There can be no doubt that the exposition of that important fact, and the comment made by Lord Brougham upon it, viz., that whatever might be thought of the comparative merits of direct and indirect taxation, there could be no difference of opinion as to the propriety of sweeping away those 439 stumbling blocks to trade had much to do with the great Tariff Reform of 1860, which abolished most of them, and reduced the 460 dutiable articles virtually to 48.

The beneficial effects of that great measure are notorious to all the world; but great as they have been, and are, they would speedily be dwarfed in comparison with the results of such a simplification of customs' and excise tariffs as that which we have now suggested, and to the adoption of which experience, past and present, affords the greatest encouragement.

Some five-and-twenty years ago this country was on the verge of bankruptcy and revolution, consequent on a failing revenue and a disaffected, because unemployed, population. All interests—agricultural, commercial, manufacturing, shipping, and colonial—were most rigidly protected against foreign competition, yet all suffering chronic distress, and constantly clamouring for legislative relief. The customs' tariff comprised upwards of 1,200 articles subject to duty. Everything that man could eat, drink, or use between the cradle and the grave, or be used for him in either, was taxed—even the light and air of heaven not escaping the clutch of the tax collector. Additions to indirect taxation failed to produce the expected increase of revenue; and so rife was pauperism that, in some of the agricultural districts, poor rates exceeded rents, and estates were thrown upon the parish.

It was in this crisis of national affairs that the late Sir Robert Peel came into power and made the twofold discovery that indirect taxation had reached its limits, and that the surest way to save the sinking State and restore national prosperity was to lighten the crushing fetters imposed on trade and industry. Having recourse to an income-tax as his instrument, he, in the course of the three years 1842, 1843, and 1844, repealed or reduced customs' and excise duties to the amount of £1,945,527. Encouraged by the results, he continued the same beneficial course in succeeding years; but it required the teachings of Cobden, Villiers, Bright, Gibson, and other members of the illustrious Anti-Corn Law League, and these enforced by the potato blight, fully to open his eyes to the iniquity of withholding the staff of life from a famishing population.

In 1844, Sir Robert Peel met the annual motion of Mr. Villiers against the corn laws with his "solemn and unqualified opposition." In 1845, in reference to a similar motion, and to the argument of Mr. Villiers that an import duty restricted supply, impeded the free exchange of the products of labour, and ought therefore to be abolished, Sir Robert said, that "if the doctrine were good as to corn, it was good for everything else," as it most unquestionably is. The truth of this doctrine seems to have grown upon him, for in the following year he abolished the duties on nearly all raw materials of manufacture, lowered the sliding scale, and repealed the corn laws prospectively from the 1st of February, 1849, retaining a duty of 1*s.* per quarter only, not, as he said, for the purpose of either revenue or protection, but merely to defray the cost of registration.

This shilling duty, which was increased by the late Chancellor of the Exchequer, no doubt unintentionally, to 1*s.* 1½*d.*, as regards good wheat, is, however, both a revenue and a protective one. It produced last year £743,145, and it has yielded considerably nearer to a million, whilst the whole cost of registering all articles imported and exported is less than £40,000. It is protective also, because its necessary effect is to raise the prices of all home-grown cereal produce by the same amount, so that if the home produce be correctly estimated at 80 millions of quarters, here is a tax of £4,000,000 additional imposed on consumers for the benefit of producers, without any advantage whatever to the public exchequer. It is, moreover, prohibitory, and that in two ways—first, by preventing the growing of corn for the British market beyond certain limits; and, secondly, by discouraging the re-exportation of foreign corn, no bonding or drawback being permitted or allowed by Custom House regulations. On these grounds alone, if others were wanting, the duty ought to be abolished. If it were, and the trade were thus rendered entirely free, we should get corn from all quarters in exchange for our manufactures, and this country would speedily become the granary, or storehouse, for Europe and the world, which this duty, and this duty alone, prevents its being.

The wise and beneficent policy inaugurated by Sir Robert Peel was extended by his successors, under the administrations of Lord John Russell, the Earl of Aberdeen, and Lord Palmerston, and by none so zealously and efficiently as by Mr. Gladstone, the late Chancellor of the Exchequer. All the evil predictions of the opponents of this policy, foremost amongst whom were the present Premier and his Minister of Finance, have been falsified: the expectations of the most sanguine of its supporters have been far surpassed; and, perhaps, the most striking demonstration of its beneficial results is to be found in the contrast between the noble conduct of the operatives of this city and county during the late cotton famine, and that of similar classes a quarter of a century ago, when destitution was embittered by a sense of wrong and suffering from evil class legislation.

Let us consider the consequences of that policy, with a view to

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see whether its extension would not be a very great improvement on our system of taxation.

From 1842 to 1865-6, customs' and excise duties have been repealed or reduced to the amount of £28,957,041, imposed or increased to that of £9,885,551, leaving a net diminution of £19,141,480. In 1842, the total produce of these duties was £35,667,679, and the total revenue from all sources £48,084,359; in 1865-6, the duties yielded £41,120,401, or nearly 5½ millions beyond the reduction; and the total income was £71,135,286, an increase of £23,050,927 on that of 1842. So much for the revenue.

The progress of our foreign trade has not been less remarkable. In 1840, the total official value of imports and exports was £172,202,716; in 1865, the declared value was £489,993,285, an apparent increase of upwards of 284 per cent. We have no means of ascertaining what the increase in our internal or home trade has been, but judging the greatly improved condition of all classes of the community, it must have been enormous.

The official returns respecting the income tax afford very vague and imperfect means of estimating the real amount of incomes in the United Kingdom; but, taking these returns for what they may be worth, it appears that the amounts assessed under the three principal schedules in 1842 and 1864-5 respectively, were these:—Schedule A £85,720,044 and £150,765,097, an increase of upwards of 75 per cent.; Schedule B, £11,412,788 and £17,120,244, an increase of more than 50 per cent.—the charge being on half the rental; and Schedule D, £57,663,496 and £110,080,841, an increase of upwards of 90 per cent. The total amount assessed under all the five schedules, was £192,206,328 in 1842, and £330,580,729 in 1864-5, an increase of 72 per cent. Considering the notorious evasions under Schedule D, and the exemption of farmers paying less than £200 of annual rent, as well as of incomes under £100, the total income of the country coming under assessment must be very much below the real amount.

As to the shipping interest, which was to be ruined by the repeal of the Navigation Laws, the number of vessels registered as belonging to the United Kingdom in 1848, the last year of the existence of those laws, was 25,638, and their burden 3,400,809 tons; in 1864-5, the number was 28,787, and the burden 5,760,309 tons.

As regards the employment of the people, there were in 1841, according to the census returns, 2,812,182 persons employed in commerce, trade, manufactures, &c., and 5,452,109 persons in 1861; in agriculture 1,261,448 persons in 1841, and 2,010,454 in 1861; in professions 195,887 persons in 1841, and 266,563 in 1861; as domestic servants, 990,048 persons in 1841, and 1,208,648 in 1861, the increase in population between the two periods having been only 25 per cent.

Such being the material results of improvements that have been effected in our system of taxation as it existed in 1842, and their moral, social, intellectual and political effects having been not less encouraging, is it not obvious that perseverance in the same course

is our true policy, that we should still farther lighten the shackles of trade and industry, and that we should not cease our endeavours until we have accomplished their complete enfranchisement? In the meanwhile we have available the instrument by means of which chiefly we can make another great step in advance towards the attainment of this great desideratum, and reduction of expenditure will effect the rest. The instrument is faulty, no doubt, in some respects, but compared with the good accomplished through and by it, its defects are as nothing in the balance. There can scarcely be a reasonable and calculating landholder, farmer, capitalist, merchant, manufacturer, shipowner, trader, or shopkeeper, still less statesman, patriot, or philanthropist, who, taking a profit and loss account, individual and national, will say, "Give me back all I have paid in income-tax, less what I have gained in consequence of its imposition, and restore the country with all its interests, mine included, precisely to the condition in which they stood in 1841."

This impost, if not "one of the best taxes that can be imposed," as Sir Robert Peel called it, when he described it as the foundation of his fiscal and commercial policy, is, at all events, the best we have; and we may, with the greatest advantage to all the interests, use it in the way suggested. The grand distinction between it and taxes on commodities is that, whilst the one only takes a portion of a man's income, the others may be, and often are, the means of preventing him from earning any income to be taxed, and of making his maintenance either as pauper or convicted criminal, a burden on the tax and rate-paying portion of the community.

We have confined ourselves to duties of custom and excise, but there are in what is called the Inland Revenue Department taxes quite as impolitic and prejudicial, some of which, like many customs' and excise duties, scarcely cover the cost of collection. As to luxuries, those who contend that they are proper subjects for taxation forget that, though they may only be obtainable by the rich, they are the means of providing the poor with their daily bread. We would have all these taxes swept away, and the entire revenue raised by direct taxation; but for the present we advocate an easy step of progress only.

As Sir Robert Peel, before he magnanimously and patriotically avowed himself a convert to the teachings of Richard Cobden, said of the argument of Mr. Villiers against taxation of imports, the doctrine good for corn is good for everything else, whether of home or foreign produce. Mr. Goulburn, when Sir Robert's Chancellor of the Exchequer, admitted that "all duties are impediments to trade." He also said that "in some instances it is impossible to prevent a revenue duty from being also a protective one." He might have said "in all instances," instead of "in some;" and he might have called such duties prohibitory likewise, inasmuch as it is certain that whatever diminishes consumption, and, consequently, imports, diminishes in the same proportion exports of our own produce in exchange. Sir Stafford Northcote, the present President of the

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oard of Trade,* said of Mr. Gladstone's great Tariff Reform Bill of 860, that there was in it "a good deal of solid gold," and also that the principle on which it was based involved the abolition of all istoms' and excise duties." On the same occasion Mr. Gladstone imself said, "Our high taxation is not a reason for stopping short ı our commercial reforms. It is, when rightly viewed, rather a eason why we should persevere in them, for it is by means of these ery reforms that we are enabled to bear high taxation." And just ı the country bears now an expenditure of some 70 millions annually, ith much greater ease than it bore one of 48 millions in 1842, so, ith perfect freedom of trade in the meanwhile, it would bear ten ears' hence an expenditure of 100 millions more easily that it bears ne of 70 millions now.

Reviewing the effects of his own great measure in 1861, Mr. ladstone showed that in the importation of articles, duties on which ıd been imposed or increased, there had been a decline of 17¼ per ent., in that of articles untouched, a small decrease, in that of rticles subjected to a lower duty, an increase of 17½ per cent., and ı that of articles, the duties on which had been wholly repealed, an ncrease of 40½ per cent. in a single year. On many occasions, down o his recent withdrawal from office, Mr. Gladstone has not only naintained that the whole tendency of our legislation of late years ıas been to make trade free; but he has insisted on the wisdom and ıccessity of proceeding very much farther in that direction.

For advocating real and entire freedom of trade, of which, notwithtanding all boasts and self-felicitations to the contrary, we have as yet but the shadow, we of the Financial Reform Association have been ridiculed as dreaming and fanatical enthusiasts, wasting our efforts in pursuit of an unattainable chimera. It is something to know that Richard Cobden, now universally honoured and lamented throughout the world, called our principles "sound, entirely sound—as sound as those of the Anti-Corn-Law League;" and that he congratulated our Council on having "for years kept the lamp of free trade burning in the midst of external darkness." It is something to know that towards whatever has been done in the right direction, either as regards the raising of the revenue, or the modes of spending and accounting for it, the supposed nugatory and visionary efforts of our association have materially contributed, and, in some instances, have been directly instrumental. In the opinion of some, perhaps of many, it may be most important of all to know that, impracticable enthusiasts as we may be deemed, we have asserted nothing touching the right to freedom of trade, or the blessings by which it must be accompanied, that was not said, long before our association had existence, by the most practical and least fanatical or enthusiastic of all statesmen living or dead, the late Lord Palmerston. Addressing the House of Commons during one of the early corn law debates, this nobleman

* Now, 1867, Secretary of State for India.

"Why is the earth on which we live divided into zones and climates? Why, I ask, do different countries yield different productions to people experiencing similar wants? Why are they intersected with rivers, the highways of nations? Why are lands the most distant from each other brought almost into contact by that very ocean which seems to divide them? Why, sir, it is that man may be dependant upon man. It is that the exchange of commodities may be accompanied by the extension and diffusion of knowledge,—by the interchange of mutual benefits, engendering mutual kind feelings, multiplying and confirming friendly relations. It is that commerce may freely go forth, leading civilization with one hand and peace with the other, to render mankind happier, wiser, better. Sir, this is the dispensation of Providence; this is the decree of the Power which created and disposes the universe; but, in the face of it, with arrogant, presumptuous folly, the dealers in restrictive duties fly, fettering the inborn energies of man, and setting up their miserable legislation, instead of the great standing laws of nature."

If this eloquent and impressive advocacy of the rights of commerce and industry have any beyond oratorical meaning, it means not merely that "restrictive duties" should be abolished, but that commerce should be relieved from all fiscal trammels, that every artificial impediment to the interchange of commodities between nations should be removed, and that all the obstructions which "arrogant and presumptuous folly" have placed in the way of the enjoyment of the God-given right of every man to earn an honest living by his own labour, and freely to exchange the fruits of it for those of the labour of any other man wherever resident, unmeddled with by custom-house officer or excise-man, should be abolished.

It is for this real freedom that we have contended through good and evil report, regardless of sneers and ridicule proceeding from ignorance, prejudice, and erroneous views of man's real interests, and God's arrangements for their promotion. In its advocacy we shall persevere, for whatever be the obstacles in the way, we have a firm faith in its accomplishment, whenever the people of this country are wise enough to discern what is for their own greatest good, and determined enough to let their deputed rulers see that what is right must be done, and that no consideration of political or family patronage, nor any convenience of extracting furtively a much larger revenue than is required, in order that it may be spent extravagantly, shall any longer be permitted to outweigh regard for the general welfare, which is dependant on economical government, just taxation, and perfect freedom of trade.

At present, however, we merely ask for further progress, and that by means easily available. We plead for an elimination of all but six customs' and excise duties, and we have the strongest conviction that if this step be taken, the beneficial results to property, trade, industry, and the revenue will as far exceed those of Mr. Gladstone's great measure of 1860, as they did those of the comparatively timorous and tentative experiments of Sir Robert Peel.

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On many occasions we have ventured to suggest to the National Association for the Promotion of Social Science, that in no way can it more effectually further all the objects of its various departments, than by advocating perfect freedom for trade and industry, through the abolition of customs' and excise establishments, and the substitution of direct for indirect taxation. We now submit for its consideration a perfectly practicable improvement in our present mode of taxation, stopping far short indeed of this grand result, but still travelling far towards it, and sure to be attended with immense advantages.

By proclaiming its adhesion to this proposition, the National Association will render to the country still greater service than it did at Bradford in 1859, and from no place in the world can such proclamation go forth so appropriately as from this great city of Manchester, in which the glorious Anti-Corn Law League was born, lived, laboured, and triumphed, leaving it to another association, feebler, less adequately supported, but not the less zealous or sincere, to labour for the completion of the free-trade edifice of which the leaguers laid the foundation stone.

Should we fail in obtaining from the National Association its adhesion to our present proposition as a whole, or even to so much of it as would do away with the remnant of the bread tax, and establish perfectly free trade in corn, and should Manchester still decline to take its proper place in the van of our great battle, we shall, nevertheless, be still supported and encouraged to persevere in our efforts by a strong and abiding conviction that our cause has truth and justice on its side, the greatest good of the greatest number for its only object, and that a cause so supported and so inspired must ultimately prevail.

THE BANK CHARTER ACT.

Does the Bank Charter Act need modification? *By* JAMES AYTOUN.

PREVIOUS to entering into an analysis of the Act of 1844, it may be advantageous to cast back a glance upon the state of the law with regard to banking and currency previous to that period. It may also be useful to establish and lay down certain principles, the truth of which must be ascertained and acknowledged previous to arriving at a right appreciation of the Bank Act.

Before 1844—that is to say, from 1819 up to that year—not only the Bank of England but every bank throughout the British Empire, with the exception of those within a certain distance of London, had an unlimited power of issuing notes above £5, under the condition of cashing those notes upon demand. In the discussion to which I have to invite the attention of this meeting, I shall confine my remarks chiefly to the Bank of England.

The notes issued by the Bank previous to 1844 were not in any way guaranteed in case of its failure. In such an event the holders of the notes, whether labourers or others, to whom they might have been paid in wages, or for commodities, would have been obliged to compete on equal terms with the depositors and other regular customers of the Bank, for their respective shares in the division of the gold and other assets of the Company. With regard to the power of issue, as I have already stated, this was only limited by the obligation of the Bank to cash its notes on demand. But otherwise there was no check to the issues being carried to any length.

The Act of 1844 was passed with two objects in view; first, to guarantee the note of the Bank of England so perfectly as to render it to the holder as secure as a sovereign, even although the Bank itself should fail. The second object was to restrict the amount of the issues, so as to render the mixed circulation of the country, composed of notes and coin, precisely of the same amount at all times as if the currency was a pure metallic one. How those two objects are effected by the Act we shall afterwards consider. But before entering upon this, there are one or two preliminary points to which I have to request attention.

With respect to the first object of the Bank Act, that of making the notes as secure to the holder as sovereigns, I think I need hardly take up your time in discussing its advantage, or rather necessity. The first object of every currency is that the pieces composing it, whether consisting of paper or of metal, should be received with the most perfect confidence; that the coin should not be suspected of any spurious alloy, and that the paper in circulation should always be certain of being converted into the gold or other metal which that paper represents.

But with regard to the second object—that of limiting the issue of notes, so as to prevent the mixed circulation of paper and coin ever exceeding what it would be were it a purely metallic one—I anticipate a difference of opinion. It is continually said that our trade is increasing immensely every year, especially our exports and imports. We must have therefore—it is always urged—an increased amount of currency in proportion to the increase in our transactions, in order to carry on the exchanges and other business of the country. We must eke out the metallic currency by an abundance of paper. It is one of the most general objections brought forward by those opposed to the Act of 1844, that it does not allow of this necessary extension of the paper circulation.

During the suspension of cash payments between 1797 and 1819, the Bank was under no obligation to cash its notes on demand. It was therefore enabled to extend its circulation by continually increasing its discounts, and that to such a degree as to depreciate, at one time, the Bank notes 30 per cent. below the value of the gold which the notes represented. And had it not been for the resumption of cash payments in 1819, the Bank of England paper would have

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soon become of as little value as the assignats of the first French Revolution.

There is a certain class of currency economists who are always maintaining that there is no occasion to place any restraint upon the issue of banks, because—according to those gentlemen—"no more bills would be discounted, or notes issued, than what is necessary for the requirements of trade; and more notes than this could not be kept out, as they would be sure to be returned to the bank." What took place during the suspension of cash payments is a complete refutation of this doctrine. The increase of the note circulation during this period went on in a continual progression, and the more the increase, the greater demand was there for a further increase; for prices rose in consequence, and a greater amount of notes were required than formerly to transact the same amount of business. This was put an end to, as we have already stated, by the Act of 1819, when the Bank was obliged to contract its issues until the notes were brought to a par with the gold they represented. But by this, the obligation of every debtor was raised 30 per cent. to the advantage of the creditor; and above all, the burden of the National Debt was increased upon the people to the same amount.

I must repeat, that it is the greatest fallacy to suppose that there is any limit to the accommodation which bankers, with a power of unlimited issue, will give to their customers, if they can do so without danger to themselves; and every additional bill discounted is so much added to the circulation. The requirement of trade is a phrase without meaning. Is there any limit to the desire of being possessed of money by every class in the community? The man of pleasure will draw as many bills as he can get discounted for him. The speculator will do the same; and even the mercantile man, carrying on a safe and a legitimate trade, will borrow in order to extend his operations, if he can do so safely and cheaply. And as to the notes being returned to the banker, that will be done when the party accommodated is obliged to do so, and when he cannot get his bill renewed.

When people say that the currency is not of sufficient amount, they do not mean that the circulation is not sufficient to carry on the exchanges and the business transactions of the country. They mean that the bankers, having exhausted all their own funds, and that derived from depositors, in discounting bills, are debarred from giving further accommodation by not being allowed to issue fictitious capital, or fictitious money, as the Bank of England did during the suspension of cash payments. The nature and effects of this increase of currency, by means of bankers extending their accommodations beyond their capital, must be fully understood in order that a proper appreciation may be arrived at with regard to any banking reform. This power of unlimited issue by bankers is said, by speculators and others who can only get their bills discounted by such means, to be a legitimate exercise of credit, and that the Act of 1844, by taking away this power from the Bank of England, interferes with the system of

credit necessary for trade and commerce. The intention of the legislature in passing the Bank Act was not to throw the slightest obstacle in the way of the most unbounded exercise of legitimate credit; it was simply to prevent parties, under the name of credit, from lending and appropriating to themselves the capital of others, and thus committing a fraud upon the public.

We shall explain this. In every civilised country there is a certain amount of real currency, or currency capital, as it may be called, consisting of the precious metals, or of notes, which can at will be converted into the precious metals, and which, in consequence, are of equal value to coin. This capital currency is at all times sufficient to circulate the existing commodities of the country—the price of which commodities always depends on the amount of the circulating medium. The persons possessing this currency capital, or money, are thus the only parties who can buy, obtain, and command the commodities of the country. Those who have commodities can sell them, and thus obtain money. Those who have money can buy, and so obtain commodities. But it is evident that those who have neither money nor commodities, can neither buy nor sell, unless the possessors of the commodities allow them the use or consumption of those commodities upon credit; or the possessors of money choose to loan it to them for a consideration. This is legitimate credit. It is the possessors of real money or real commodities lending that money or those commodities to those who possess neither, upon the expectation of a future remunerative profit.

But if a person who has got no real money or currency capital, or has already lent it, can manufacture fictitious money and loan it out to other parties for a consideration, and so enable those parties to go into the market and buy commodities in the same manner as if they had real money, it is evident that this is not a legitimate exercise of credit by a person lending what really belongs to him. It is, in fact, a fraud or swindle. It may be asked who are the parties injured by such a transaction? The parties injured are those possessing real money; for, according to the increase of the currency by this issue of fictitious money, there is an increase in the price of commodities, and a consequent diminution of the value or purchasing power of the lawful money of the realm.

It must be borne in mind that when a banker coins his promises to pay, or issues credit notes, and loans them out to a customer, he does not in any way increase the amount of goods which these bank notes are intended to buy; and yet, with these notes the party accommodated enters the market and raises the price upon those who have real money. His gain is exactly commensurate to the loss of others. For instance, supposing parties supplied by an issue of bank notes of this description are enabled by that means to buy a million quarters of the wheat which is for sale in the market, the possessors of real money would be obliged to content themselves with a million quarters less than they would otherwise have obtained, paying the same

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amount of money for the diminished quantity as they would have done for the full.

It was one of the objects of the Act of 1844 to prevent transactions of this kind. It was not to raise any barrier to legitimate credit—the lending of what really belongs to the lender. It was to prevent the continuation of a system of fraudulent credit, by which bankers were enabled, by issuing a fictitious loan, to obtain gain for themselves and their customers, and that by abstracting an equivalent value from the property of others. We shall show how this object was effected when we analyse the details of the Act.

Let us next consider the condition of the Bank of England after the resumption of cash payments in 1819, having a power of unlimited issue, but under the obligation of cashing its notes on demand. When a bank has a power of unlimited issue, but is under the obligation of cashing its notes on demand, there are two tendencies always acting in opposition to each other. The first is the desire of the banker to discount and issue as much as possible, as by that means he increases his profit by creating a fictitious capital. The second is the fear of a run being made upon him for gold, which induces him all of a sudden to contract his issues. At one time trade and every species of speculation are stimulated by the ease of obtaining accommodation at a low rate. Immediately afterwards, credit is in a manner annihilated, and no accommodation is to be had at all. During the first period there is a great appearance of prosperity and commercial activity, which continues for a shorter or a longer time. During this interval speculation springs up in every department. Men of straw, without a farthing of property, are enabled to commence business, and to enter into competition with those who are carrying on on real capital. And those, in their turn, are induced by the easiness of the money market to extend their operations beyond their legitimate means—trusting to the continuance of low interest and long accommodation. The first consequence of this is, that there is a great over-production of commodities in certain branches of manufactures, which, instead of being sold, are piled up in warehouses both at home and abroad. Everything, we repeat, goes on well for a time. There is the appearance of the highest prosperity. Credit is unlimited, by means of the unlimited fabrication of the promises to pay. The paper circulation becomes immensely extended, and, as a matter of course, gold is driven out of the circulation and out of England. Such was the state of the country in 1825, 1837, and 1839, and on many other occasions betwixt 1819 and 1844, although not to such an extent.

But at last the reaction takes place, which is generally in severity in proportion to the duration and height of the fictitious prosperity which precedes the collapse. The bankers seeing the greatness of their issues over the gold in their tills, take alarm. They perceive that if a run were to take place, they would be compelled to suspend payment. They therefore set themselves at once to draw in their notes, and to contract the circulation of their paper. When bills arrive at maturity, they refuse to renew them, or to grant any

accommodation whatever. Thus, credit, after being unlimited, becomes all at once in a manner annihilated. As a matter of course, the man of straw and the speculator come at once to the ground. But not only does the speculator fail; the trader, who had originally been carrying on a safe business, and had been induced to extend his operations, becomes bankrupt also, from the withdrawal of that accommodation upon the dependence of which he was led to extend his transactions. But this is not all. The goods which had been manufactured and stored in warehouses are thrown upon the market, and sold for what they will bring; glut ensues, the mills are stopped, and thousands of labourers are thrown upon the streets.

Every man of a certain age must recollect that the scenes we have described took place during the period betwixt 1819 and 1844, and followed each other as regularly as autumn succeeds to summer, and as winter to autumn. First, we had a great fictitious prosperity, a large extension of the paper circulation, and unlimited credit; secondly, alarm and panic; and, lastly, a total collapse, attended by wide-spread bankruptcy, and followed by stagnation and the throwing out of employment of thousands of industrious labourers—a state of things which lasted years after the crisis. During this period, every step which the country made in advance was sure to be followed by what the French call a *reculade*—a retrograde movement. And this is the state of things which certain parties wish to have restored, in order, as they imagine, that cheap money may be secured. That adventurers without a farthing of their own should desire a change in the monetary laws which would enable them to get credit, and thus have a chance of making fortunes out of nothing, can be easily imagined; but that responsible persons, possessing real capital, should wish for the return to a system so fraught with danger to every man of property, appears to us the height of folly.

Under the monetary system which has prevailed since 1844, we have enjoyed a high degree of prosperity. This is admitted on all sides. During the whole of this period, with a few short intervals, interest has been high, and yet that has not opposed the slightest obstacle to the increase of our wealth, to the expansion of our trade, and the full employment of our working population. There may have been crises, but there have been no *reculades* since 1844. The progress has been both constant and rapid. The only thing complained of is that interest has been too high, and that the merchant and trader have been prevented from making that profit out of the employment of the capital of others, which they think themselves entitled to. But does the borrowing class really imagine, we ask, that they are entitled to fix the price for the use of other people's property? If they are dissatisfied with the remuneration demanded, they need not borrow, but confine themselves to the use of their own capital, and then the rate of interest would soon fall.

Such was the state of the currency previous to 1844. It was mainly to remedy the evils I have described that the Bank Act of that year was brought forward. Had Sir Robert Peel been able to do

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what he wished, the reform introduced would have been of a more complete nature. He would have done away with credit notes altogether, and would have made the currency a purely metallic one. There would have been notes, it is true, for convenience; but those notes would have been issued by the Government upon the deposit by private parties of an equivalent value of bullion or coin in the hands of Government, not to be touched unless for the purpose of cashing the notes when the holders wish for gold. The notes thus issued would have been nothing more than receipts for the gold deposited with the Government. The issue department from which the Government notes proceeded would thus be simply an exchange, to which all parties who had gold might resort for notes, and all persons holding notes might exchange them for gold.

Such is the *beau ideal* of the only perfect and natural system of currency; and according as a natural currency approaches more or less to this model, will it be more or less near to perfection. This simple plan—a metallic currency, with an issue of notes upon a deposit of gold—was originally suggested by the late Lord Ashburton, the friend of Peel, and one of the very first financiers England ever had. Such a system of currency as I have described would not put an end to all undue speculation; for, as we have lately seen, that can be carried to the greatest extent by means of Banks of Deposit, having no power of issuing paper; and coin can be deposited just as well as notes. But it would put an end to the worst species of crises—to monetary crises—to those which have been brought on, as we have already described, by an over-issue by bankers of credit notes, for the sake of gain; and then by a sudden withdrawal of those notes, from the dread of a run upon them for gold.

Most certainly, under the system which we have described, neither the Bank of England nor any other Bank would be able to tamper with the currency, or to attempt to keep the rate of interest down, by means of the issue of credit-paper. The rate of interest, or price paid for the loan of money, would be then regulated by the principle of demand and supply, precisely like the price of wheat, cotton, and everything else. And is not this what every sound man of business would wish for? It is only the speculators, the commercial gamblers, and men of straw, who would desire anything else. The amount of currency would be also quite sufficient to carry on the exchanges, and for the transaction of the other business of the nation. It would be precisely the same as it is now; and under the present system of currency, our exports and imports have more than quadrupled since 1844. Is not this an ample proof of the currency being quite sufficient for all the purposes of the nation?

It is a great mistake to suppose that the amount of currency is less now than it would have been had the old state of things continued, when the Bank had the power of unlimited issue. When a currency consists of gold, and notes convertible at the will of the holder into gold, the mixed currency of paper and gold can never for any length of time, nor by any device, be kept above what it would

have been had the gold alone circulated without the notes. For if any excess of the issue of notes took place, prices would be sure to rise, and both the notes and the sovereigns circulating with the notes, would be depreciated in respect to commodities. The gold sovereign would therefore be of less value than its equivalent weight of gold in bullion for sale. This would cause the sovereigns to be taken out of the circulation, melted down, and converted into bullion. The notes would then be left alone, and a run would be made upon them for gold. The Bank would then be obliged to contract its issues, and that below the point at which they would have been, had there been no extension of the circulation. This was continually taking place betwixt 1819 and 1844, as we have already pointed out. The Bank was perpetually extending its issues at one time, and then was obliged to curtail them afterwards. The Act of 1844, therefore, has not in reality contracted the circulation. It has merely equalised it at different periods. It has prevented an over-issue at one time, to be followed by an under-issue at another. It is possible that there may be fewer notes in circulation now than before; but this has been amply made up by a greater amount of sovereigns, which are continually increasing at an average rate of three millions every year, which is considerably under the amount of the excess of the imports of gold into England over the exports.

To carry out the plan which I have described—the establishment of a strict metallic currency—all that was required would have been for the nation to pay up the debt of fifteen millions owing to the Bank of England, which could have been done most easily either at once or by instalments. The Bank of England would then have had to carry on its business with the fifteen million sovereigns paid over to it, or would—as is more probable—have deposited those fifteen million sovereigns in the issue department of Government, for fifteen millions of State notes issued to it upon that deposit.

Had this been done, the Bank of England would have been placed precisely in the position of the London and Westminster or any other deposit bank. Its power of discounting bills would have been confined to its paid-up capital and its deposits. It would have had no monopoly or advantage of any kind over other banks, except by being the Government Bank, receiving the taxes and paying the dividends.

Why did not Sir Robert Peel carry out this plan? Simply because he felt he had not the power. The Bank of England and its numerous and powerful body of shareholders would have objected to it, as one depriving them of those profits to which they had been so long accustomed. He therefore in a manner compromised the question, and introduced the Act of 1844. This Act we shall now describe in all its details, as it is one which, although passed more than 20 years ago, is as yet only partially understood.

In the first place, then, the Bank of England is entirely deprived of its power of issue, properly so called. The paid-up capital of fifteen millions is converted into notes, and its whole power of issue is confined to those fifteen millions, just the same as if its capital,

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consisting of debt or securities, had been converted into sovereigns. This being the case, why, it may be asked, should the Bank have objected to its capital being paid up by Government in the manner we have just detailed? Had this been done, the Bank's profit would have been confined to what it could have made of those notes or sovereigns by discounting them. But by the securities not being disposed of, and being still retained, the Bank is not only enabled to discount with the notes handed over to it, as representing the securities, but is enabled to draw over and above 3 per cent. from those securities as interest on the Government debt.

This is the compromise which was entered into betwixt Sir Robert Peel and the Directors of the Bank in 1844. The Bank agreed to give up its monopoly of unlimited issue, and to confine its whole business to the fifteen millions of notes handed over to it, on the condition that, from the securities representing those fifteen millions of notes, it should draw 3 per cent interest, in addition to the banking profits derived from the notes. This is the entire and only difference between the Bank of England and the Joint-Stock Banks. Like them, its banking capabilities are confined to its capital and its deposits; but it has, in addition, a profit of 3 per cent. on its capital, from that capital not being reduced to pounds, shillings, and pence, but kept in the form of Government securities.

By the Act, the securities for the fifteen millions are set aside, and placed in the issue department, and consecrated to the payment of the notes handed over to the Bank, should the notes ever fall into discredit. Those notes, therefore, although issued under the name of the Bank of England, are, in fact, State notes, for the payment of which the whole nation is responsible, just the same as for the Three per Cents. It is from this circumstance that since 1844 there never has been a taint of suspicion against the Bank of England notes, nor the shadow of a shade of a run against them. During the three crises since 1844, the great desire of everyone was to have Bank of England notes, which were regarded with more favour than sovereigns; whereas, in all the crises previous to this—in 1825, 1837, 1839, etc.—the note was of no value, as the holders, instantly they got them, ran and exchanged them for gold; so that the Bank on those occasions, with its power of unlimited issue, gave up discounting altogether, as this always increased the run upon the gold in its cellars, and made a suspension of cash payments more imminent.

Besides the fifteen millions of notes handed over to the Bank in securities, there is always a number of other notes issued upon the deposit of gold. At this moment the amount is fifteen millions, making in all thirty millions of Bank of England notes. With respect to those additional fifteen millions, the banking department, or Bank proper, has no concern. The issue department, established by the Act of 1844, although under the management of the Directors, and which they consider an onerous and expensive duty, is merely an exchange such as we have described it in the case of a pure

metallic currency; an exchange not in any way for the advantage of the Bank, but for the convenience of the public.

At this exchange—the issue department—all persons having gold can exchange it for Bank of England notes, which are created for that express purpose; and all persons having Bank of England notes can exchange them for gold, when the notes are cancelled upon the gold being withdrawn. There is always thus sufficient gold in the issue department to cover all the additional notes issued over those covered by the securities. And it makes no difference for this purpose what may be the amount of gold in the issue department, for as the gold increases, the notes taken out increase; and as the gold diminishes, the notes diminish at the same time, being taken in and cancelled. For no gold can be taken from the issue department without the cancelling of an equivalent value of notes. In this way the Bank of England notes are always completely guaranteed—the fifteen millions belonging to the Bank by Government securities, and the surplus notes taken out by individuals by the gold in the issue department.

Here we may notice a mistake which is almost always made. Most persons judge of the strength of the Bank by the amount of gold in the issue department. With this gold, we have already explained, the Bank has not the slightest concern, nor can it make use of it in any way whatever. A number of persons also imagine that the notes given out from the issue department for gold come into the Bank and so increase the reserve. This is also a mistake; the notes issued on those occasions belong exclusively to the persons who deposit their gold, and who can make use of them in any way they please, by employing them in trade, or depositing them in the London and Westminster, for the sake of interest which the Bank of England does not allow. The strength of the Bank of England must only be judged by the amount of notes and coin in its banking reserve. This is the only fund at its disposal; and according as this is great or small, is the Bank induced to lower or raise its rate of discount. But with regard to gold entering, or being taken from, the issue department, this is a matter which does not in any way affect the Bank of England any more than any other bank in the kingdom.

It will be thus seen that by the Act of 1844 the only difference in the position of the Bank of England from what it would have been, had the Act imposed a pure metallic currency, is that the fifteen millions belonging to the Bank is based upon securities, and not upon gold lodged in the issue department. This gives a profit of 3 per cent. upon its capital to the Bank of England, without imposing any additional tax upon the nation, as the Government, in the case of a pure metallic currency, would have been obliged to pay over to the Bank the fifteen millions owing them. But in every other respect the system of a metallic currency is completely carried out by the Act of 1844. The power of issue is done away with. The Bank cannot increase its accommodation to the public by means of credit notes, and is strictly confined to its capital and its deposits. All the

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notes issued are fully guaranteed, one part by Government securities and the remainder by gold deposited. This is not a perfect system of currency, but it is a close approximation to it.

After describing the Act of 1844 in all its details, it may not here be irrelevant to compare the manner in which the late crisis—that of May last—was met under it, with the manner in which such a crisis would have been met and treated under the former system.

Over-banking, over-trading, and every other speculative mania, whenever it takes root, always continues as long as the Bank of England affords the necessary accommodation. It is only when the Bank is unable to go farther, and refuses to discount more bills, that the crash takes place. For instance, the day before the stoppage of Overend and Gurney, the directors of that establishment asked, it is said, for relief from the Bank to the extent of £500,000. Had this been afforded, Overend and Gurney would have held on, probably, for six months longer. It was the same with Masterman's and the other banks, and the railway contractors who failed at that time. Had the Bank of England then, as formerly, possessed the power of unlimited issue, the assistance would have been afforded. But the Bank, in May last, from the limit to its issue imposed by the Act of 1844, could not grant the aid asked for. The opponents of the Bank Act are, therefore, perfectly right in saying that it was that Act which precipitated the crisis, and brought it to a point several months before it would have otherwise occurred. It was the want of a sufficient amount of notes in the banking reserve which was the immediate cause of the panic and crisis of 1866, and the Bank had no power to fabricate credit notes.

In 1825 there was no limit to the issue of paper, and the speculations of that day were encouraged and fostered by the Bank of England as long as it had the power to do so. They were not stopped by a want of notes, for the Bank might have issued as many as it pleased. They were stopped by a run upon the notes, which rendered them of no value, and by which the Bank of England was rendered powerless to give further accommodation.

The question which mercantile men, who are in doubt as to whether the Act of 1844 should be repealed or not, should then put to themselves, is this: Whether is it better that a crisis should be met by want of a sufficient amount of notes in the reserve of the Bank of England, the notes being of full value? or, Whether the commercial or banking crisis should be met by a monetary one by a run upon the notes, which would render those notes of no more value in the discount of bills than so much paper? In the first case, relief is afforded as in 1847, 1857, and 1866, by simply suspending the Act and allowing the issue of more notes than the parliamentary amount. In the second case, neither the Government nor the Parliament can do anything. The crisis must follow its course, spreading ruin and bankruptcy on every side, and the only thing which could afford relief, and that but a partial one, would be the suspension of cash payments.

There is a question before the Section as to whether this Act may be improved. There is, I consider, a defect, not in the principle, but in the details of the Act, which we are convinced, had Sir Robert Peel lived, would have been rectified long ago. The issue department, or exchange, as it more properly is, should have been separated altogether from the Bank; not that we believe that the directors have not most honestly and fairly managed this department. It should have been made a Government establishment, and all the notes issued instead of being Bank of England notes, should have been State, or National notes. This would have made in reality no difference, but it would have placed the position of things in a much better and clearer light, and made every one completely understand the machinery of the Act. The Government would then have been directly responsible for the due payment in gold of every note issued when this was required. But Government would not in reality have incurred any greater responsibility than before; for it would have had in its issue department the securities belonging to the Bank of England, to recur to for the notes issued to the Bank of England, and an equivalent amount of gold for all the notes given out to private parties.

But I go further than this. I consider it would be of advantage to have all the provincial issues, including those of Scotland and Ireland, replaced by State notes. All those banks have what is called a fixed amount of issue, and to them, and to the public in general, it would be an immense advantage to have those provincial issues replaced by State notes, and thus secured against loss to the holders, or a run upon them. But in order to preserve the nation against all loss upon this account, it would be necessary for each bank to deposit Government securities in the State issue department of the full value of the State notes handed over to it, in order that Government might sell those securities, if necessary, for the gold demanded for the notes. This would place the provincial banks exactly in the same position as the Bank of England, and to this they could not object, for they would be allowed to draw the interest upon the securities in the same way. If they refused this, then their right of issue should be taken away from them altogether.

This is a reform in the Bank Act of 1844 which I beg leave to suggest, and which I feel assured, if fully considered, would be approved of. By this change, there would be only one set of notes throughout the whole Empire—the State notes—for which the whole nation would be responsible. Thus the possibility of a monetary crisis, or a run upon the notes, from the apprehension of their not being convertible at pleasure in any part of the United Kingdom, would be out of the question. And this would cost the nation nothing, as the provincial banks would be obliged to deposit in the State issue department, like the Bank of England, sufficient securities to prevent any loss to the State. I may here mention that this reform in the Bank Act was originally proposed by me in a letter to the *Spectator* in 1857.

It will be understood by the plan which we have suggested, that the Government would not be allowed to issue of itself a single additional note over the fixed issues of the different banks, and for the gold deposited by private parties, in the same way as is done by the issue department of the Bank of England. The power of Government in this respect would be merely ministerial, precisely, and as limited as is that of the directors of the Bank of England at present. It will also be understood that I do not propose that the right of issue upon the deposit of securities should be extended to any other banks than those which existed at the passing of the Act of 1844, and which Sir Robert Peel allowed to continue their privilege from a sort of necessity, and against his own opinion.

It will be objected, probably, to the change in the Act of 1844, such as we have described, that it would be incompatible for the granting of relief to mercantile men and companies when they get into difficulties. But there is nothing inconsistent with this relief in the currency reform which we have described. Last May, after the failure of Overend and Gurney, the Bank Act was suspended, so as to enable the Bank to issue notes beyond the guaranteed amount—that is to say, credit notes. The same thing might be equally done under the proposed reform. We have said that the Government would keep an Office of Exchange, from whence Government notes would be issued on the deposit of gold. Now, in case of a crisis like the late one, Government might be authorised by Parliament to hand over credit notes—that is to say, notes without any deposit of gold or securities—to the Bank of England, to the extent of five, ten, or twenty, millions, according to circumstances, in order to enable the Bank to discount bills for the relief of trade, the Bank being responsible for those notes, and bound to return them again to Government when the crisis was over. This would be precisely the same thing as the suspension of the Bank Act at the present time.

I am one of those who are opposed to the suspension of the Act of 1844. I consider that this, by being looked upon as a resource in cases of difficulty by banks of speculation and mercantile gamblers of every class, is an encouragement to speculation and gambling. I have always been of opinion that it would have been better upon the whole if Government had peremptorily refused the suspension in the first instance, in 1847, and thus given warning to the mercantile public, and especially to the Joint-Stock Banks, that they must trust to their own prudence and judgment, and not upon exceptional measures for relief. But if a suspension of the Act is to take place, the manner of doing so which I have proposed is decidedly the best, as it removes the whole responsibility from the Bank of England, and places the action directly under Government and Parliament.

On the same. By EDWIN HILL, *of the Inland Revenue Office.*

IN addressing you on the subject of the Bank Charter Act, I must bespeak your utmost indulgence, because I stand here to controvert and denounce as a fallacy, the very principle upon which that Act is based,—a principle too of such extreme plausibility as to have commanded the instant assent of almost every one to whom it has been propounded; and which has come to be almost universally regarded as an axiom of economic science; although it mistakenly assumes an analogy between the supply of currency and that of our food, clothing, and other marketable commodities;—an analogy which has no real existence, as I shall shew.

I will commence, however, by putting before you three questions, viz.:—1st. What is the exact purpose of currency? 2ndly. What qualities must it have in order to subserve this purpose? and 3rdly. What is the best quantity?

The sole purpose of currency is to supersede barter,—for if we could effect our multifarious interchanges with equal facility by barter, currency would be useless to us.

In the discharge of its office, currency performs two distinct functions, viz., that of a measure of values in exchange, and that of a medium of payment;—functions so entirely distinct, that they may be, and indeed are, in some important cases, discharged *under legal requirement* by distinct substances. Thus, as respects college rents and tithe commutation, *corn* is the legal measure of value, whilst *gold* (or something representing it) is the medium of payment; and it is hard to say which function of the two is the most important.

These two functions of currency are demonstrably incompatible, and cannot be correctly discharged by any single substance whatever, gold or otherwise, simply because the changes in the demand for the medium of payment, are at times so rapid and so extensive as to outstrip all the compensatory changes that the supply of a single substance is found to undergo. Hence, its own value being disturbed, it cannot accurately measure other values.

It is a radical defect of our monetary laws that they do not supply the means of obviating the injurious consequences of this incompatibility, or indeed even recognize its existence.

As a measure of value,—used more extensively in commerce than the measures of extension, bulk, weight, and even time, all put together,—its most indispensable quality is unchangeableness in its own value; just as unchangeableness of length, of weight, of capacity, &c., are the most indispensable qualities of the pound avoirdupoise, the yard measure, the gallon, &c.; for how can that measure other things accurately which is not stedfast itself? As a medium of payment, unchangeableness of value is also highly

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important, though not absolutely essential. The other qualities required it is not necessary here to discuss.

As to the quantity of currency to be provided, it should, if possible, be just as much as will completely answer the intended purpose,—that of superseding barter.

In short, unless the currency possess practical unchangeableness of value, it cannot be an accurate measure of values in exchange; nor unless it be available in sufficient quantity, can it fully accomplish its purpose of freeing us from the cumbrous perplexities of barter.

As the views I am about to bring before you have the disadvantage of being almost altogether novel, and will therefore have a disagreeable rawness about them, and as most minds (my own included) are prone to resist new doctrines, until some idea is gained as to whither they are leading us, that we may be assured that we are not being drifted towards chaos, I think it prudent to state now the end I have in view.

Some able writers have recommended for security against occasional pressure, a large increase of the reserve of gold held by the Bank of England; but this, while it would be a heavy burden, would not in my opinion be efficacious.

My proposal is to create a large and *unburdensome* reserve, by enabling a competent portion of our consolidated stock to serve the purpose of currency, whenever the circulation shall want replenishment. For which purpose I propose to expunge such portion of stock from the books in which it now stands, and instead, to represent it by transferable interest-bearing bills resembling Exchequer bills, such bills to be receivable for the taxes; and, if necessary (which I think improbable), to be made legal tender for all purposes.

In exchanging the appointed portion of stock for the proposed bills, the stock would of course be received at its market value. Thus, £1,000 consols, if at 90, would be exchangeable for nine of the £100 bills.

In its simplest form, the subject before us is an examination of the following questions, viz.:—Seeing that the quantity of our mixed currency (consisting of coin and paper), calls for increase at one time and diminution at another, according to the variations in the demand—and seeing that such increase or diminution of the united quantity may be effected by a suitable increase or diminution of either its coin element or its paper element, is it advantageous to select one of these two elements to be the sole, or at least, the principal subject of such occasional increase or diminution? and if so. *which one*, the coin or the paper?

This question, so far as I know, the authors and supporters of the Bank Charter Act have never discussed; nor does it appear to have presented itself to their thoughts as a matter calling for discussion; they (apparently) having jumped to the conclusion that the necessary adaptation of the quantity of the currency to the varying demand must depend upon the modifications of its metallic portion alone,—

with this reservation however, that in cases of great extremity, when this dependence breaks down, the rule may be temporarily suspended, and recourse be had to a modification of the paper element.

It might be thought that these notable failures in the power of the metallic element to effect the purpose, and the necessity from time to time for turning to the paper element for help, would have led to the inquiry whether the paper element might not best discharge the duty at all times. Such inquiry, however, has not been entered upon.

The minor provisions of the Act, limiting the issue of notes by private banks, &c., I need not here notice, further than to say that they are infractions of the principle of free trade, grounded upon an alleged necessity which I think not proved.

The purpose of the Bank Charter Act, as stated by its promoters and supporters, was to make the extant amount of our mixed currency depend upon the influx and efflux of gold as completely as the amount of a currency consisting of gold alone would do. Lord Overstone lays it down as unquestionable, that the true type of a currency is one wholly metallic; hence that, if, from considerations of economy and convenience, we choose to employ paper, more or less, in place of specie, the united quantity should, he avers, at all times correspond with the quantity of specie that would have been employed, had we forborne the use of the paper and confined ourselves to specie alone.

In short, the supporters of the Bank Charter Act regard it as self-evident that the supply of currency must needs stand upon the same footing as the supply of all other marketable commodities. If we want more currency we must purchase additional gold, if we have too much currency, some of our gold must be sold;—to expect to enjoy the use of more currency than we can afford to buy (having due regard to our other wants) being, in their opinion, as delusive as it would be to expect to enjoy more food, more clothing, or more of anything else than our means enable us to purchase.

But there is surely a broad distinction between the supply of currency and that of most other commodities; since, whilst the materials of our food, clothing, &c., are all costly and limited in quantity, a scarcity of gold, may, by the use of paper money, be supplemented (for currency purposes) without sensible cost and to any extent. Hence, to suffer from an insufficiency of currency, seems as unwise as it would be to suffer from thirst, having easy access all the time to a good and abundant spring.

In other words, I maintain that to regard our ability to *buy* as the true measure of our *wants*, with respect to any commodity, currency or otherwise, is an error; and that to bind ourselves to a rule restrictive of our use of a serviceable commodity, of which we can have an ample supply for next to nothing, is a voluntary starvation in the midst of plenty.

To this, the only answer given is, in substance, 1st. That one cardinal virtue of a currency is unchangeableness of value, at all times and under all circumstances, (which is indisputable.) 2ndly. That

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to supplement the supply of currency by additional paper money whenever the influx of gold fails to effect the object, would be to create an excess of currency which must needs bring about a depreciation of its value, and consequently cause its metallic portion to be exported to foreign markets.

This at once raises two questions :—the only ones that it is here necessary to discuss.

But before proceeding to consider them I must pause to observe that the supporters of the Act, in justly maintaining the essential importance of unchangeableness of value in the currency (in order to the correct discharge of its important function of a measure of values in exchange), have given a too exclusive attention to the liability of the notes to become depreciated in value if issued in excess, having (apparently) not borne in mind the great truth that unchangeableness of value demands as much the avoidance of scarcity as it does that of superabundance ; for scarcity disturbs value as effectually by raising it, as superabundance does by lowering it.

Whenever then the operation of the Bank Charter Act produces a real scarcity of currency—that is, a supply less than the demand—it cannot in such case but violate the essential principle of unchangeableness of value, by raising that value.

The two questions now raised, are : 1st. Would a depreciation of the paper portion of the currency necessarily follow, if, on the appearance of a tendency to "tightness in the money market," the paper were to be increased (without waiting for an influx of gold) to an extent just sufficient to neutralise this tendency ?—it being undisputed that this increase would check and perhaps altogether prevent such influx ; and further, that should the "money market" subsequently (from any cause) manifest a tendency to undue "easiness," it would become necessary to withdraw such additional paper, wholly or in part, in order to prevent depreciation.

2ndly. Whether (assuming the preceding question to be answered in the negative), it is practicable to institute self-acting means, for thus, at one time, adding to the paper portion of the currency, just enough to arrest a tendency to "tightness," and not more than enough ; and at another time, for withdrawing just enough to arrest a tendency to undue "easiness."

Perhaps it is not too much to say that these two questions embrace the only points within the whole range of the subject of currency, upon which men versed in the principles of economic science will be found really to disagree.

The first question almost answers itself. The appearance of "tightness"—if it be of the kind that admits of relief by the suspension of the Bank Charter Act—shows that the supply of currency has ceased to be equal to the demand.

Now, if, under the supposed circumstances, paper money were added to the circulation *in the exact quantity required to restore equality between supply and demand* (and no more), how could such an addition excite an efflux of gold ? The value of the currency

would not be depressed, but merely kept upon its previous level; gold would not be cheapened, but merely prevented from getting dearer,—and if no efflux were going on previously, how could the mere maintenance of the *statu quo* excite one? Those who maintain that it must do so, have surely forgotten that it is one thing to stop an advance simply, and another thing to cause a retrogression. The three states of advance, quiescence, and retrogression, are perfectly distinct states, and are connected with perfectly distinct effects; hence to confound one with another, is to violate sound logic.

If this reasoning be correct, it follows that upon occasion of the demand for currency beginning to gain upon the supply—whether from ordinary causes or from a sudden and large exportation of specie in purchase of foreign corn—if, instead of awaiting an influx of gold, we resort to a suitable increase of the paper, so far from disturbing the value of the currency, and thereby damaging it in respect of its essential quality—unchangeableness—we should actually prevent its being disturbed. And in all cases of a sudden and large increase in the demand for currency, requiring, under the present law, a sudden and large influx of gold, such prevention would be of the last importance in staving off a panic.

So much for cases of insufficiency. But to my mind a tendency to excess in the currency demands active and efficient counteracting measures almost as imperatively as does a tendency to insufficiency; and this I think can only be accomplished by providing for the immediate removal from the circulation, in such case, of an adequate portion of the paper money, without awaiting the exportation of specie.

For an excess of currency "engendering high conceits" is almost certain to awaken the demon of wild speculation, and initiate a course of mad excitement, sure to be followed first by qualm, and finally by panic.

This brings us to the second question, viz., whether we can provide self-acting means by which any tendency to insufficiency in the supply of currency shall be at once neutralized by an appropriate addition to its paper portion; and by which, also, any tendency to excess shall, in like manner, be neutralized by the withdrawal of an appropriate portion of the paper.

I have pointed out the fact, in my work, entitled "Principles of Currency," that under the Restriction Act the Bank Directors of times gone by, without professing to understand the subject, actually stumbled upon a course by which, for four whole years (1796-1800) they practically maintained the equilibrium between demand and supply; the Parliamentary returns showing that during the whole of that period, no depreciation of their notes occurred; the one pound note and a shilling having been always equal in value to a golden guinea; although "convertibility" there was none.

These four years give us a case—a most remarkable one—wherein the supply of currency was rendered altogether independent of the influx and efflux of gold—in other words, wherein that supply had

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wholly ceased to be limited by the ability to buy gold, and had come to be apportioned, with practical exactitude, to the wants of the community—the paper supplementing the gold to such an extent as to make the united quantity always fully equal to those wants; but without exceeding them.

Thus, during the period in question, the country had the full advantage of the generic difference, already adverted to, between the supply of currency and that of other marketable commodities; the supply of currency having been measured exclusively by the country's wants, *irrespective of its ability to purchase gold.*

In my book I have further endeavoured to show, that had the Bank directors, at the end of this period, been fortunate enough to acquire a clear understanding of the principle with which they had unconsciously conformed in their proceedings, they would, in all probability, have put their future issues upon a footing that would have continued to their country this unprecedented benefit of a supply of currency always apportioned to its legitimate wants: that is, a supply just sufficient to prevent obstructions to exchange from a dearth of currency.

All that the directors need have done was to have kept a watchful eye upon the bullion market; and on the slightest sign of the paper becoming of less value than the gold, to have at once checked their issues to an extent necessary to restore the equilibrium; at the same time never stinting their issues, unless when shown by this test to have overstept the line of simple sufficiency.

I need scarcely point out, that a practice of modifying the issues, by opening the sluice a little at one time and closing it a little at another, is what the Bank directors have always pursued. The difference is solely in the test which guides them as to the time, direction, and extent of action. The test I have named, and which would almost seem to have been the guide from the year 1796 to 1800, is that of perfect equivalency in value between the bank-note and the gold coin; but the test which, unhappily, has now long been in use, is a compound of several elements, viz.: first, the quantity of gold in the Bank stores; secondly, the importations of gold as compared with the exportations; thirdly, the expectation of demands from abroad, compared with probable arrivals; fourthly, the security or otherwise of the Bank itself, from pressure in respect of its banking business.

Seeing such indefiniteness in the test, we need not wonder that the propriety of the rate of interest fixed by the directors with reference to it, is sometimes, as now, (August 1866) a matter of hot controversy.

The Bank Restriction Act was passed at a time of extreme political agitation. Its purpose all economists will now disapprove. But had the Bank Directors fortunately become conscious of the extraordinary powers for good which the Act had incidentally placed in their hands, we should in all probability have been spared those disastrous alternations of speculative excitement and panic, from

which, during the last fifty years, we have suffered so much—since the unwholesome stimulus of an excess in the currency, and the terror-striking influence of an insufficiency, would have been alike unknown to us.

The genius of our institutions is adverse to all discretionary interference. We want a self-acting plan; a plan nowise dependent for its well working upon the judgment of Bank directors, as to raising the rate of discount at one time, and lowering it at another—and still less upon that of the executive, as to suspending the law from time to time, and establishing for the occasion, what, in truth, is neither more nor less than a monetary dictatorship.

Many plans competent to the effect might be proposed; one would obviously be to revert to the state of things in the last four years of the last century. I will describe the plan which on the whole I think the best.

Let us place the object clearly before us. The question is, can we so order matters, as, in the first place, to render the variations in the supply of currency wholly independent of the influx and efflux of gold; and in the second place to secure that whenever the equilibrium between demand and supply shall be at all disturbed, an automatic corrective process shall come into immediate operation, whereby, without the least delay, the currency shall be increased or diminished, in the exact degree necessary to restore the equilibrium?

This manifestly demands the aid of an ample reserve—a reserve large enough to compensate for the greatest possible fluctuation.

Of what can such reserve consist? Who shall hold it? What shall determine the time and the extent of the necessary advances and reclamations to take place between this reserve and the volume of the currency?

Were the holding of the contemplated reserve to be necessarily attended with the loss of interest upon its value, like the storing up of gold, or of other commodities having intrinsic value, the difficult question, "Who is to bear this loss?" would require to be answered; I need scarcely add that it is very important that such loss should be avoided; and that this can only be accomplished by the reserve consisting of paper money.

I will assume that it is not necessary that the proposed reserve should include notes of the lower values,—probably £50 or £100 might be the minimum. Now, notes of £50 or £100 and upwards can easily be made interest-bearing—like Exchequer bills—each with a calendar printed upon it to show the amount of interest accrued for every day of the year, as I proposed some years ago;* and something like what Mr. Hubbard, M.P., lately suggested:—the rate of interest to be fixed, as near as may be, at the average rate obtainable for securities of equal validity; and the notes being made payable in cash, say when a year old, in order to allow periodically of the correction of the rate of interest if required.

* "Principles of Currency" p. 152, and frontispiece.

If these notes were made legal tender for their principal sum, plus the accrued interest, or perhaps, if they were simply made available (principal plus interest) for the payment of taxes of all kinds, they would possess the precise qualities required by the reserve in question.

No new debt need be created, as these bills would simply stand in the place of an equal amount of consols, for which they might be exchanged, upon application, value for value, to an extent appointed by the law. They would in effect be a coinage of part of the national debt.

The bills would bear a twofold character. Lock them up, and they serve as investments; take them out, and they become currency; hence they would be retained as investments or paid away as currency, according to the convenience of their holders. Scantiness in the supply of currency would induce the use of the bills as currency; whilst over-fulness in the circulation would induce their retention as investments. Thus, were these bills extant in sufficient quantity, they would furnish the means, and that under the regulation of a sure motive (that of self-interest) for effecting the complete alleviation of scantiness on the one hand and of over-fulness on the other.

If these expectations should be answered, the importance of the result would justify every possible effort to obtain it. For it would secure a perfect adaptation of the available amount of the currency to our varying wants, combined with a much higher degree of uniformity in the value of its governing unit, the pound sterling. For gold would be shielded from the disturbing influence, (to which it is now exposed,) of changes in monetary demand; an influence that, for a short time in the autumn of 1847, raised its value in the wholesale produce markets by at least 20 per cent., and as compared even with consols by 7 to 10 per cent.

The value of the proposed bills would be no less based upon that of gold than is that of a bank note; this value, too, owing to the bills being payable at distant dates, would be governed, not by the value of gold from day to day, but by its value taken upon a long average—an obviously less changeable standard.

Were this plan adopted, the economic principle of demand and supply, which, crippled by legislative interference, now in vain attempts to govern the amount of the currency, would really govern it. And whether directed to the removal of an excess, or to the supply of an insufficiency, its action being no longer bound to the expensive and sluggish movements of the bullion trade, would be immediate and effective to the full extent called for by the wants of the time; the nature of the proposed reserve being such as to offer but a barely appreciable resistance to the inflow or outflow of any quantity required.

It has been objected to this plan that it would make currency so abundant as necessarily to depreciate its value. The answer is, that it is excess, not sufficiency, that produces depreciation. But excess,

in other words more than there is use for, is obviously impossible so long as any superfluous quantity can be at once profitably applied to another purpose.

In recommendation of this plan, I would point out, 1st. That the sole change in the law sought is an authority for its introduction, and a provision for the preparation and issue of the bills. 2ndly. That the plan admits of being introduced gradually; a trial of the acceptability and usefulness of the bills being made by the issue, in the first instance, of a moderate quantity, which could be increased as experience might show to be desirable.

Two highly important collateral advantages remain to be pointed out.

Most writers upon the subject of commercial disturbance and its causes, have entirely omitted to distinguish between such of these causes as are attributable solely to currency derangement, and which, therefore, admit of being cured by the correction of such derangement (and by no other means); and such of the causes as are attributable solely to fluctuations in the abundance of non-monetary capital. In short, these writers almost universally confound the disturbing effects of changes in the abundance of the mere instrument of exchange—money—with those of changes in the abundance of the subjects of exchange, money's worth,—causes that are as distinct in their nature as an interruption of ordinary traffic from the mere want of the scales and weights, yard-wands, bushels, &c., wherewith to apportion the articles of sale, is from an interruption caused by a want (at the time) of goods to sell.

It is true, however, that the disturbing effects produced by these two sets of causes, are commonly so mixed and blended together, that it is most difficult to separate them, and assign each to its own particular cause; but the almost infinite perplexity thus occasioned would of course be got rid of, were either set of causes to be swept away.

Now the adoption of any plan which should secure the never-failing adaptation of the supply of currency to the legitimate demand, would eliminate all the effects that are justly attributable to currency derangement; and by so clearing the ground, would render the study of the other set of causes, with a view to possible remedial measures, comparatively easy.

Again, our liability to panic depends upon the existence of certain conditions, the removal of either of which would go far towards its cure. The most prominent of these conditions is the practice,—induced partly by our wonderful commercial activity, and partly (as I think) by imperfections in our institutions,—of letting such very large portions of our property, or of property for which we are responsible, pass out of our own hands into the hands of others. This produces in the commercial world a state of general indebtedness, balanced nominally by claims to an equal extent. Thus, A may be indebted in a given sum to B; B similarly indebted to C; C to D, and so on through the alphabet; Z, finally, being so indebted to

A. Now, if a meeting of all parties were held (scene the clearing house) at which A should make over to B his claim upon Z, B make over to C his claim upon A, and so on all round, the result would be, that whilst the available amount of capital—monetary and non-monetary—would stand just as it had stood before, every one (so far) would have got "out of debt and out of danger." A neighbour of mine, the head of a large concern in the city, told me some years ago, that he occasionally received sums of ten, twenty, or even thirty thousand pounds, for which he had no immediate use, and that he generally took the money to Overend's house in order to get interest for the time. If he had done so recently, the consequence might have been disastrous. Indeed a friend of mine and his son-in-law had each a considerable sum in that house at the time of its stoppage—to their serious inconvenience, as may well be imagined.

The institution of interest-bearing money, as herein proposed, would enable persons to keep their spare cash in their own hands without the sacrifice of interest; it would also greatly facilitate the more general adoption of ready-money payments, by furnishing in abundance a most acceptable medium for the purpose, the use of which, when time had made it habitual, would in all probability work a change in the public feeling, adverse both to extensive credit giving, and to the use of less safe mediums of payment. Now the greater the proportion of ready-money payments, the less must be the liability to panic; the decrease of such liability being probably in a high ratio.

In conclusion, I would observe, that since it is the unquestionable duty of the legislature to provide the means whereby the country may have the use of an efficient currency, it would appear to follow, from what is herein advanced, that this must include provision for a large interest-bearing reserve. And in giving to the holders of this reserve the interest arising upon it while in their hands, this provision would effect an act of simple justice, for the principal being their property, they must be best entitled to the interest.

THE NATIONAL DEBT.

Is it expedient to adopt means for Reducing the National Debt, and if so, what means? *By* FREDERIC HILL.

THE present amount of the funded National Debt is about £778,000,000, and of the unfunded debt about £8,000,000, making a total of £786,000,000; to which must be added a sum, say, of about £50,000,000, to represent terminable annuities requiring an annual payment of about £2,500,000, of which, however, nearly £600,000, or say £12,000,000 of capital, will come to an end next April, and £700,000, or say £14,000,000 of capital, estimated by their present value, in the year 1885.

The interest payable on this vast debt is about 25 millions and a half, to which, however, we must add more than a million for the cost of collection, and more than £200,000 for the expense of management; making a total of nearly 27 millions a year.

The chief cause of our great debt, as is well known, has been war, and to a very considerable extent aggressive war; and so far as it has been the latter, we have no result to show of which we can be proud or which has yielded us any real benefit.

It appears by a statement in Mr. M'Culloch's "Dictionary of Commerce,"* that the cost of the wars, including the final one, waged in the vain attempt at coercion which this country made in relation to what were once our North American colonies, was, in mere addition to the National Debt, more than 200 millions sterling; and that this sum is far greater than the gross value of all our imports from those colonies during the whole time they were under our dominion.

But however incurred, the debt exists; and the only practical question now is, whether to take measures for paying it off, or to allow it to remain.

If the debt is to be paid, I need scarcely observe that the object cannot be attained by any flight of genius such as the poet, in one of the pictures of the immortal Hogarth, is racking his brains to effect, while his milkwoman is clamouring in vain for the payment of a debt of only a few shillings due to herself; or by any kind of legerdemain; nor by a revival of the exploded Sinking Fund; but by raising hard cash equal to the amount of the debt, and that by the only means at the nation's command—taxation.

So long as the taxation in this country was very unfair, the taxes ill-adjusted and unnecessarily burdensome, it would in my opinion, have been unwise to adopt measures for paying off the National Debt; because to do so would have aggravated these evils. But now matters are changed. Most of our worst taxes have been abolished, and the remainder have been reduced; and while the taxation has been brought into much better accordance with the ability to pay, the whole pressure, owing to a large increase in the national wealth, has been greatly lessened.

As it appears to me, the same reasons exist for the nation's paying off its debts as for a private person doing so, and, indeed, greater; since the collection of the taxes to discharge the interest, however fair the general plan of taxation, must necessarily be attended with many cases of hardship, while it presents temptations, to which many persons are known to yield, to evasion involving falsehood and fraud.

Again, while the great majority of persons acting as individuals either shun debt or, if debt be for a time unavoidable, exert themselves, at the first opportunity, to liquidate it, as members of the State and as participators in the National Debt they have no such choice;

* Edition of 1857, page 341.

and in effect, therefore, in this country and everywhere where there is a national debt, every man's land or other property is mortgaged, and so burdened must descend to his children.

The expense, too, of collecting taxes for paying the interest of the National Debt and the cost of management, together amounting, as we have seen, to a million and a quarter per annum, are an absolute loss; a drain from the pockets of the taxpayers without the smallest driblet reaching the public creditors.

Further, all persons who by taxation are debarred from using an article or are stinted in its supply, suffer by the existence of the National Debt. Thus, a poor family who could afford to drink tea if there were no tax on that article or on sugar, or who, by these taxes, are prevented from drinking as much tea as they would otherwise consume, now suffer this injury—an injury which, like the last one adverted to, is absolute waste, since it confers on no one a corresponding benefit.

Some persons have objected to discharge the National Debt on the ground that the interest we pay for it is low as compared with the ordinary rate of interest; implying that the country makes by the transaction a good bargain; but if the principle involved in this argument were sound, it must be wise not only to forego all measures for paying off the present debt, but to go on borrowing (so long, at least, as money can be obtained on the existing terms), and thus greatly to increase the debt. But does anyone propose this? And does not a mere glance in the direction to which it would lead make one feel that there must be a fallacy in the argument? That fallacy, as it appears to me, consists in this. In the first place, the argument takes no account of the cost of collection and management, or of the injury to those whose consumption of any taxed article is prevented or curtailed; and secondly, it must be remembered that very many persons, indeed, I may say the vast majority of those who constitute the nation, have no wish to borrow money even at a low rate of interest; on the contrary, the millions of persons who invest in the savings banks actually lend money on lower terms than, as members of the nation, they at the same time are compelled to borrow it. Let those, then, I would say, who want to borrow money, do so as individuals and pay the market rate of interest for it; but do not let them drag their neighbours, who desire nothing of the sort, into a kind of involuntary Borrowing Association for their benefit.

Again, it has been suggested that as gold, owing to the present abundance of supply, is falling in value, it will be politic to wait until, by the working of this cause, the National Debt is much reduced. But on this point I would remark—first, that any saving to the nation by such an operation would be attended by a corresponding loss to the nation's creditors; and secondly, that if it be found practicable, as many believe, to place the currency on such a footing as to render the value of money invariable and independent therefore of the supply of gold, any motive to defer payment of the National

Debt arising from a depreciation of gold, even if such motive were legitimate, would cease.

Nor does any sufficient objection to set aside every year, beyond recall, a sum for the payment of the National Debt, arise from the fact that in some years our expenditure, including this sum, may exceed our revenue. If at any time, owing to unforeseen circumstances, such a case should arise, the best and most direct way of meeting it would be for Parliament to make a temporary increase in some of the taxes, with a view either of immediate liquidation, or if the sum to be raised be large, as in the instance of the payment of £20,000,000 on the abolition of slavery in the West Indies, to admit of the expense being defrayed in a given number of years.

The most important reason, however, for paying off national debts and for putting an end to the practice in which they originate, is that this practice presents fatal facilities for the infliction of the greatest scourge with which mankind can be afflicted—aggressive war; a scourge which, in the destruction of property that it causes, its paralysing effect on production, and yet more in the blood which it sheds and the bad passions it arouses, begets evils far greater than the debt with which it burdens the insensate country by which the war is waged, heavy as this burden may be. Had it not been for the facilities in borrowing, which the power of creating a National Debt affords, we should not have witnessed the late fratricidal war in America, nor that which has just been waged in Europe; the objects of which, so far as they were just and legitimate, might in both instances have been well attained by other and pacific means.

If the foregoing view be right, it surely behoves England, not only for her own sake but as one of the foremost countries in the march of civilisation, to take measures for paying off her debt; in order to present an example worthy of imitation, and one which must increase that moral influence which our country happily possesses and which it is to the interest of the whole world should be extended.

The United States, to their honour, have already entered on a course of this kind; and if they persevere and we take a similar course, the case will be one of very many, let us trust, that are before us, of the two countries running side by side in a noble work.

Largely, in my opinion, has Mr. Gladstone added to the many obligations previously conferred by him on the nation by stepping forward, as its financial minister, to call on the country to begin in earnest the good work of paying off its debt; and both to him and to the greatest political economist of our time, Mr. Mill, are we beholden for the lofty standard of public morality which they have raised. Whether or not any special argument to the performance of our duty exists in relation to the supply of coal I do not know and need not discuss. In either case our duty is the same; and if you agree with me in thinking so, the only question remaining for consideration is the best means of attaining the object.

This, as it appears to me, is the plan proposed by Mr. Gladstone—

namely, the gradual substitution of terminable for the present permanent annuities. As a first step Mr. Gladstone, as we know, recommended Parliament to deal with that portion of the debt which is represented by the deposits in the savings banks, now amounting to about 44 millions; but I hope the country will be willing to go further, and to deal at once with a larger sum. The only reason, I believe, for singling out the money in the savings banks has reference to the incidence of the income tax. As that tax is now levied, anyone who should exchange a permanent for a terminable annuity, although his property and legitimate income might not be altered in value by a single penny, would, from the day of the exchange, be liable to an increased income tax; and hence it is supposed, by some persons, that there would be a loss to the country in effecting such an exchange in any portion of the National Debt; seeing that the purchasers of the terminable annuities, in expectation of being subjected to a heavier income tax, would demand terms which would indemnify them for this additional burden. But any obstacle arising from this source is open to an obvious remark—namely, that the country would receive back again, in the shape of income tax, what is nominally lost in the terms of exchange. But perhaps a better way of proceeding would be to enact that, so far as relates to the terminable annuities in question, the income tax should be so levied as to make it a matter of indifference to the holder whether his annuities were terminable or permanent. All, however, that is necessary, both for the purchasers of the new annuities and for the country to ensure a proper price in the market, is that the terms on which the annuities are granted are clear, and will remain fixed during the whole period.

Some persons, friendly to the liquidation of the National Debt, maintain that the best plan is so to regulate taxation as always to ensure a surplus, and then to employ this surplus in a direct way for the discharge of a corresponding portion of the National Debt; and certainly this mode of proceeding would be the simplest, but it is liable to the great objection of constantly offering a strong temptation to suspend its operation, and to allow the country the immediate enjoyment of lower taxes—a temptation which has lately been yielded to by deferring the commencement of the measures recommended by Mr. Gladstone. I trust you will agree with me that it is far better to act on a plan which is free from this danger; and in proof that the arrangement proposed is thus free, I point to the fact that no attempt, so far as I am aware, was ever made to obtain a temporary reduction of taxation by converting such part of the National Debt as had been contracted in terminable annuities into permanent stock.

Under the following arrangements the whole debt might be paid off in 124 years:—

I would propose that next year 100 millions of the permanent three per cent. annuities be converted into five per cent. terminable annuities; to do which would require, for a period of thirty-

one years, an addition of about £2,080,000 a year to the taxes—viz., two millions for interest, and about £80,000 for cost of collection; but from this sum would have to be deducted first nearly £600,000 for existing terminable annuities, which will come to an end next April, and upwards of £700,000, which, in like manner, will have to be struck off in nineteen years. Thus the immediate increase in taxation, or rather, let us hope, at least as regards part, the immediate non-reduction of taxation, would be about a million and a half, while in 1885 this sum would be reduced to less than £800,000.

In 1898 the account would stand as follows: Debt, including estimated equivalent of probable amount of life annuities, about 710 millions, bearing an interest of somewhat more than 21 millions, or, including the cost of collection and management, of about 22 millions; as compared with the present payment of 27 millions, or the payment after 1885 of about 25⅔ millions.

Considering that the country will, in all probability, be much richer in thirty-two years than it is now, and considering that, from an advance in education and public morality, the impulse which now urges us to pay off the National Debt will no doubt be stronger, I trust that when the year 1898 arrives there will be a general willingness to employ at least the greater part of this saving, say three millions, in a further conversion of permanent into terminable annuities. If this be done, under the same arrangement as the first proposed conversion, it would apply to a sum of 150 millions; and in thirty-one more years the debt would be brought down to about 560 millions; requiring a taxation of about 17½ millions, or about 4½ millions less than in 1898, and nearly 9½ millions less than now.

At the new period of 1929 I hope, for reasons like those just assigned, that, say, four millions of the new saving will be assigned to further conversion; and, if this hope be realised, 200 millions more of the debt will be placed on the road for liquidation. Then, by the year 1960, the debt will be reduced to 360 millions; and the taxation for its payment to about 11¼ millions, as compared with 17½ millions in 1929.

By this time the debt would be brought down to so moderate a size that I hope that by one more and last effort the whole would be converted into terminable annuities, and that perhaps at a higher rate than five per cent. interest. But even if the latter rate be adopted, by the year 1991, or in less than 130 years from the present time, every shilling of our debt will have been paid, and 27 millions a year will have been struck off the taxation. And should the country be prepared to act yet more vigorously in the work of reduction than I have ventured to suggest, the happy goal will be reached still sooner.

LABOUR AND CO-OPERATION.

The Future of Labour. By R. ARTHUR ARNOLD.

ALTHOUGH in addressing you upon the important question of the future of labour, I am met at once by the difficulty of defining my subject, yet I am far from thinking it a matter for regret that great embarrassment should be experienced in the attempt to distinguish the population of England by classes. In a certain sense, there are probably but few here who are not working men, but I use the term labour because I intend to refer to that largest class whose wages of subsistence are for the most part earned by muscular and manual labour. It would form a very valuable item in the Transactions of this Congress if some close definition of the "working man" could be arrived at. In the recent electoral classification, I must say that I think the definition has been incorrectly expanded, because it has been held to include those master artisans who supplement their own labour by the hire of that of others, and provide the materials upon which this labour is bestowed with their own capital. During the progress of the late Reform Bill, I ventured to publish a definition which seemed to me more accurate, that a "working man" should be deemed to be one "who laboured upon materials, or in any field of labour provided by the capital of another," and it is to such a class that I propose to refer in this paper.

There is no more common or mischievous heresy among the working class, than that which results from the prevalent ignorance as to the relations and the mutual duties of capital and labour in respect to production, which is the result of their active co-operation. Labour is, of course, the first cause of all the possessions of man which are not natural and inalienable, but the accumulation even of necessaries of life, the provision which society is obliged to make for its protection, imply the possession of capital, and in an advanced condition of society, such as that in which we live, labour finds itself paralysed when it suffers even a temporary dissolution of partnership with capital. The capital employed in the payment of labour represents the wages fund of the working class. It cannot be more or less than this sum. After a careful inquiry this sum has recently been set by an able statistician at £418,300,000, divided among 10,697,000 persons, of whom 6,878,500 were of the male, and 3,818,500 of the female sex; the average earnings of the men above twenty years of age being in England 22*s.* 6*d.*, and of women above the same age 12*s.* 6*d.* per week.

Now, it is evident from this, that the selfish interests of every working man and woman would guide them to increase by all possible means the capital which employs labour, and to limit the number among whom this sum is divided. Placing themselves in the position of the capitalist they will easily appreciate that the increase

of capital so employed will depend upon the share of profits it will obtain, and the ease with which these profits can be obtained; and reflecting on their own position, being at the same time not regardless of the capitalist's point of view, they will see also that there can be no increase of this capital unaccompanied by an increase in the numbers who labour, unless there is a corresponding increase of efficiency in the labour of the original workers.

I would, therefore, thus early in my subject impress upon the working class that in all their struggles for the advancement of their order and class they should ever regard with a watchful eye that most sensitive of political and economic barometers, the mind of the capitalist. He it is who carries the magician's staff of our era. If it be his interest to employ the labour of another country rather than that of his own, or to summon labour to another hemisphere, thither will labour be led by an irresistible force. But, perhaps, while I thus warn the labouring class to be careful lest they diminish their wages fund, my warning should also be conveyed to those middle and upper classes who cannot so easily transport their possessions or follow the exodus of capital. Yet, here at least, the interest of all classes is clear and plain; all who love their fatherland, all who wish to maintain the value of the wealth they have in it, must co-operate to maintain, and, if possible, to increase the capital employed in the payment of labour. If on the one hand capitalists are frightened or wearied by continual strikes or disputes on the part of those who labour, if on the other hand labourers are drawn to other lands where labour suffers less restrictions, where it obtains social and political privileges which are withheld in this country, then in either case there is an immediate decline in that career of prosperity which has made England the "august mother of free nations."

But while the working class should regard the relations which labour bears to capital, their thoughts will naturally be first fixed upon their own condition and prospects. I know it is a matter of frequent and earnest regret among the more intelligent and prudent members of this class that there should remain so large a number whose social and sanitary condition displays so much imprudence, and domiciles epidemic disease in all our great cities and towns. I should be trenching unduly upon the domain of the Educational Department of this Congress if I were to refer in any detail to that which I regard as the first cause of this shameful and degraded condition of a section of our fellow countrymen and women—I mean the want of education. But this I will say, that I think we of the middle and upper classes, who have practically the government of the country in our hands are more blameable for that which is wanting in this respect than these persons whose faults are too often and ignorantly regarded as typical of, and inevitable among the labouring class. As to the improvement of the homes of the labouring class there is an evident appreciation of the importance of the subject in Parliament. The Bill introduced by Mr. Torrens, last Session, aimed at the destruction of the cholera and fever nests, and until some such measure is adopted the work of

sanitary reform will have received very imperfect attention. The destruction of the miserable hovels which are the seed-beds of epidemic disease would help on sanitary reform immensely. But it would do more than this. It would permanently raise the standard of comfort among the labouring class and cause a demand for cleanliness and household order. On sanitary grounds I should be disposed to object to household suffrage, because I would not give by any enactment, the least encouragement to the continued existence of houses, which, with due regard to health and morality, are unfit for habitation. In Preston and other large and prosperous towns in the manufacturing districts there are, in the densest parts of the borough, houses letting at 1s. 6d. a week. I should be very sorry that the occupancy of such houses should confer the right of voting, while I am bound to say that the newly-built houses of the working class in this district, are, speaking generally, the best that I have seen in any part of the kingdom. The rentals of these dwellings average from 3s. to 4s. 6d. per week, and their occupancy does not of course at present confer the right of voting at Parliamentary elections.

I regard the trade unions as having exercised a very important and beneficial educational influence upon the labouring class. The outrages which have occurred are a lasting shame and disgrace, and these sins have been heavily visited upon them in the opposition and dislike with which their proceedings have been met by the classes which are not without unions of a very analogous character. The attorney, the barrister, and the physician are each and all members of unions, which deal with the rate of remuneration their services receive, with the order of precedence in their work; and, in the case of the attorney, with the number of articled clerks he may have at one time. I do not question the benefits which the Incorporated Law Society, or the Inns of Court, or the College of Physicians have conferred upon society. I think it is of the highest importance that men practising these liberal professions should thus be stamped with the mark of proficiency, but I also think that if it had been remembered how much of good there is in a trade union, their operation might have been less marked by vicious outrages and tyrannical oppression, and that working men would more frequently have obtained and more kindly received instruction in those economic truths which must regulate their condition. I hope and believe that the trade unions will never act as political bodies. I think it will be fatal to their existence if they do so, because I know there are political differences of opinion among working men as strong as those which divide the middle class.

Regarding the interests of the working class, it is of course desirable that their labour should be sold at the highest obtainable price, and, but for the support his union affords him the individual operative would be under as great disability in selling this, his only commodity, as a shareholder unknown to Capel Court, who should run up and down the streets of his town, crying aloud that he must

sell his shares or go to the workhouse, and who could only perhaps meet with one purchaser in a hungry day's march. Thanks to Mr. Villiers' Union Chargeability Act of 1865, the law of settlement has received its death blow, and I hope ere long it will be entirely defunct. Because, until the labourer, in his search after a market for his labour, can carry about with himself that legal provision against starvation which the good old English law affords, he is crippled and bound to the soil in a manner most cruel and unjust.

More especially does the abolition of the law of settlement affect the agricultural labourer. I was sitting near to Mr. Cobden when he made his last speech, in which occurred this memorable passage. "If I were twenty-five or thirty years instead of twice that number, I would take Adam Smith in my hand, and I would have a league for free trade in land, just as we had a league for free trade in corn. There is just the same authority in Adam Smith for the one as for the other, and if the matter were only properly taken up, not as a revolutionary or Chartist notion, but as a step in political economy, I believe success would attend the effort, and I say this, if you can apply free trade to land and labour too—that is by getting rid of those abominable restrictions in your parish settlements and the like, then I say the man who does that will have done for the English poor more than we have been able to do by the application of free trade to commerce." No man could hear these words, this injunction fall from the lips of Mr. Cobden coupled with the promise of a reward so splendid without pondering deeply upon their significance. Had Mr. Cobden still survived he would have beheld the freedom of labour nearly accomplished. But nothing has yet been done with a view to the freedom of land. What can be done? My thought upon this subject leads me to the conclusion that first and most easy among the reforms to be obtained is the amendment of the law relating to the transfer of land. I hope that Lord Westbury may yet have the ambition to associate his name and bend his great mind to the carrying through Parliament a Bill for the compulsory registration of titles. But I have no confidence that even this valuable reform would lessen the general price of land, or increase the rate of interest which purchasers would be content to receive upon their investments. Yet undoubtedly it would enlarge the number of owners, because it would diminish the uncertainty as to the cost of transfer, with which the purchaser of small lots for occupation and cultivation is now so greatly embarrassed. The next reform which Parliament might be expected to sanction with a view to the freedom of land, is the assimilation of the law of real property to that which relates to personal property in case of intestacy. It has often been shown in the House of Commons by Mr. Locke King and others, that this measure would not affect the aristocracy, who, by the operation of entails, rarely or never die intestate—while it would render impossible the frequent cases of great injustice and hardship which occur in the lower ranks of the middle class. I must, however, concede to Mr. Beresford Hope that it would affect heirship *dejure*.

I wish that Mr. Cobden had at some period of his most useful life taken an opportunity of fully explaining his views upon the subject of heirship. For myself, I am quite convinced that the freedom of land—as he had it in his mind when he uttered the words I have quoted—could only be accomplished by adopting the French law of compulsory division, and though I am firmly of opinion that this would result in increased production, accompanied by the employment of three times the number at present engaged in agriculture, yet I think it would involve the irreparable loss of that equable distribution of authority, which is peculiarly the characteristic of our constitution and country. With land laws similar to those which obtain in France, it appears to me impossible to avoid the concentration of authority, and of the authority of public opinion at all times in the metropolis. But I am satisfied that by no means short of this could the price of land—which is what it is owing to the social status, and the enjoyment its possession affords—be so reduced as to admit of its possession by those who would also be its cultivators.

Nor would it be desirable, in my humble judgment, to assimilate our land laws to those of the State of New York, and enact that no settlement shall be made upon an unborn life, because, while this restriction would do but very little to promote the freedom of land, it appears to me that it would work a great evil in the practical abolition of marriage settlements. But I speak of my own knowledge in charging the agriculture of this kingdom, and especially that of England, with great inefficiency. Much of this is owing to the fact that it is becoming the rare exception, and not, as it should be, the rule for tenant farmers to have leases. The capital engaged in husbandry is very insufficient. There are many poor landowners who cannot improve their estates, and neither can they afford an allowance to their tenants enabling them to do so. The condition of such landlords suggests an Encumbered Estates' Act for England. There are also many rich landlords who practically encourage sloth and negligence in farming by accepting low rentals and poor tenants. There are, it should be said, many good landlords and good farmers, who do but exhibit how greatly increased would be the agricultural produce of the country, and how beneficially the position of the agricultural labourer would be improved if their example were more widely followed.

The situation of the agricultural labourer in many parts of England is far worse as regards his physical condition, than it would be if he were the property—the serf of the landowner. I speak of my own observation in saying that animal food is not an every day dish with him, while it cannot be doubted that a slave proprietor in this climate would rather keep his horses for a day without corn, than his men without meat. In a humble way I attempted once upon a small estate to secure the co-operation of farmer and labourer, by adopting a list of prices for the payment of labour founded upon the declared average price of wheat for the preceding six weeks. If by some plan more true to the principle of demand and supply there

could be a standard of wages adopted for certain districts, it would do something to elevate the condition of the farm labourer, whose great misfortune is in the isolation of his labour. He is at the foot of the ladder of labour. But those who would regard his future must not be unmindful of the great transition, which, as a result of the free trade policy, is taking place in our agriculture. Slowly, but surely we are leaving the production of grain for that of meat. This is the foundation of the Irish question. We have no agricultural statistics in England save those that itinerant land agents occasionally send to the *Times*; but in Ireland, where these statistics are collected, their lesson is very simple. Concurrently with an emigration which we must deplore, but which I regard as inevitable, for Ireland cannot be to any great extent a manufacturing country, having no available coal, there was in the year 1865, an increase in the area under grass amounting to 127,470 acres, and the increased value of live stock as compared with the preceding year was £2,043,699, while this year the increase under grass has further progressed to the extent of 210,425 acres, the extent of bog and waste reclaimed being only 86,664 acres, while the increase in the value of live stock is £2,361,033, and in number, as compared with 1865, is 1,008,625. Undoubtedly there is much that may be remedied by legislation in the condition of Ireland; but nothing short of a radical and almost impracticable change in the land laws of the sister isle will keep the population even at its present level.

The key note of my paper is co-operation, in the success of which is involved the future of labour in this country and the economic future of England. I do not refer to co-operation in any restricted sense, but co-operation between labour and capital in every possible combination and condition. It is quite a new feature in the economy of our country that the population should be almost stationary; it is quite a new feature in its productive industry that employers and employed should be massed in unions for protection the one against the other. It is quite a melancholy fact that our national industry and trade are heavily taxed by the battles which result from these rivalries, and it is certain that our productions cannot with the burden of these rivalries upon them, always win the race in which other nations are our competitors.

It is an easy task to demonstrate the cost of strikes, as easy to show their cruel waste, as to exhibit the causes for which our national debt has been incurred. Strikes and lock-outs are wars. Trade unions and masters' unions are armies. The theory is that they should ensure safety with progress by moral power, backed with the exhibition of actual force. The unhappy fact is that both come into collision now and then. Capital is wasted and production suspended. Observation compels the belief that the progress of a class, or of a nation, can only be made by imperfect means, and never unaccompanied by antagonism. Then when antagonism becomes very burdensome, it is usually succeeded by amalgamation. So may it be with labour and capital! So I believe it will be. The recent Report of the

Committee upon the law of master and servant, is a large step in this direction. Hitherto the presumption of law with regard to the working class has been, and in byegone times not perhaps unreasonably, that they could not be held to duty by the civil, but only by the criminal process. The liberal advance which this Report concedes is only, I believe, the precursor of a full concession of equality before the law for employer and employed, but it is clearly incumbent on the workman to prove, by a sense of responsibility, the safety of this concession. I must confess my own opinion that the admissions of witnesses with regard to the operation of minute and hour contracts, is convincing that this concession may be made with safety. In their dealings with their workmen, employers will remember—and I am sure few of them need to be reminded—that they are competing for their best men with Europe and America. In my official journeyings about this county, I have often been astonished to learn from operatives the ease, and I can only express what I mean by saying the carelessness with which they pay a visit to America, at a cost of £5 5s., in the effort to "better themselves." I am happy to say I have met numbers who have returned since the improvement in the cotton trade, and I hope they will be followed by many more. I think I may state it would require at least 40,000 hands above the number at present in this district to work all its spindles and looms, and if cotton should fall back to its usual price I don't doubt there would be a demand for this increase. Where are they to come from? The Irish manifest a decided preference for the West. Professor Fawcett has suggested that we may some day be subject to a coolie immigration. I can hardly believe it, because our increasing sanitary standard will become too high to admit of their labour being profitable. Immigrants must live under the conditions prescribed by our improving sanitary laws, and these will demand wages which are only commensurate with considerable skill and persevering endurance. Many, I think, perhaps a sufficiency can and will be drawn from agricultural districts, and we shall seek, I hope, to better the quality and therefore to increase the power of that labour we possess by improving the intellectual and sanitary condition of the labourers, as well as by the continued progress of mechanical invention.

But this will not be sufficient. We must administer another stimulant. We must introduce labour to profits, not in the accustomed shape of wages, but in the actual and unaccustomed shape of profits. In referring to the subject of co-operation, it would scarcely be respectful to this section to repeat what has already been accomplished in this direction. We are all familiar with the famous history of the Rochdale Pioneers; with the successes of Messrs. Crossley and Briggs and Greening, and with that of Mr. Gurdon in agricultural co-operation. We know that the first step in co-operation is the retailing store, where with good management the working man may, by the simple operation of purchasing the food and clothing of his family at the store, lay up for himself 7½ per cent. upon his wages. If working men could be made saving men, their redemption from the

crimes of drunkenness and the want of self respect may be said to be accomplished; and to make them thrifty no means is so powerful as to save for them, as the store does, by giving a per centage of profits upon their expenditure. Then, when savings are made, the best and the safest investment is needed. Mr. Gladstone's Post Office Savings Banks are in this respect very valuable. But I hope to see working men's savings invested together with the strength of their arms in production. This is the true progress of co-operation. I would not advise what is called a co-operative mill to employ none but the labour of their own shareholders. All such restrictions tend to breed inefficiency. But labour should be rewarded by wages of subsistence and a per centage of profits; and the workers should have the preference in any allotment of shares. That there will be a rapid increase of such undertakings I have not the least doubt, or that they will command the labour of the steadiest, the most inventive, the best workmen. I hope that this transition will not receive any covert opposition from the trades' unions.

But the working class cannot, as a body, thus engage in co-operation, because they do not possess the capital; and some wider method than this can yet be is at once necessary to neutralise the existing antagonism, which is so hurtful to the interests of both capital and labour. This can only be accomplished on the same principle. I am confident that any master in the building trade, who could collect around himself a steady, intelligent body of workmen, and agree to act with them under the provisions of the Partnership Amendment Act of 1865, in the construction of buildings, and private and public works, stimulating their energies with a share of profits, and being himself repaid by their increased energies, and by his exemption from the risk and loss of strikes—I am sure, I say, that such a master, possessed of ample capital, and the confidence of his workmen, would realise a great success for himself and for them; nor will I believe that the trades' unions would stultify themselves by opposing the operations of such an employer. And what applies to the building trade applies to all others; so there will be in the future of labour a growing indistinctness upon the boundary line which severs employers and employed. The aim of this Association should be to bring this about with all speed, to neutralise the antagonism which now severs them. Labour, like capital, is a commodity which must and will find the dearest market. Let us then endeavour, as we value the prestige and greatness of our country—for it is this that is at stake—to further by all possible means the peaceful and harmonious co-operation of labour and capital.

The French Co-operative Associations. By Elie Reclus.

The expediency of co-operation was a question mooted almost simultaneously in the three countries which in our day take the lead in European civilization, but each country, regarding the problem from a different point of view, studied and solved it in its own way.

In England, attention was chiefly directed to the establishment of stores; in Germany, loan-societies (*Vorschuss-Banken*) succeeded admirably; whilst in France the chief care was to form societies for co-operative labour (*Associations de Production*).

Thus France, seizing at once on the knottiest point, began where the others must end. Each nation took a characteristic course. France would not and could not follow any other than she did; and it would have been useless to have pointed out to her any other. The French mind is innately idealistic, whilst that of her sister-country across the Channel is essentially practical. The one goes straight to the mark, the other chooses a more circuitous path. Both have pursued the course best suited to its capacities and needs, each being the complement of the other.

I. Of the 250 co-operative societies, (which was approximately their number in France, December, 1865,) nearly 50 bear the title of productive associations; most of the others are saving and loan societies (*Sociétés d'Epargne et de Crédit Mutuel*), the latter being but labour societies in embryo. It is true their members lend and borrow the savings they have been able to put by; but this loan system is only temporary. These societies, unlike those of Germany, do not look to the mutual aid principle as an end, but as a means, and were only intended as temporary institutions by their founders. Were it otherwise, their organization would be found too incomplete. The loans are generally only twice or thrice the amount paid in by the borrower; all transactions are by ready money only; the society does not issue notes, nor accept bills.

Twenty members of such a society put by each one shilling a week, let us say. These savings will become the crystallizing point around which the future labour association will aggregate. The money taken in by the collectors is lent by turns to the members according to the priority of their enrolment. Simplicity, truly! But this simplicity is not the ignorance of more complicated systems. Numbers of these societies might be formed on the model of ordinary savings banks, and might carry on considerable transactions, but they fear that the gains, which might thus be made, should divert their members from following out their chief aim, which is the liberation of the workman from capital. For centuries the French peasant has lived a life of grief and of bondage, a life harder than a slave's, that he might at last possess a plot of land of his own, and

with it independence. Well, the ambition of the artisan is to possess also a workshop of his own. Until their aims are satisfied, neither artisan nor ploughman will rest; they will strive and struggle till they become freeholders and freedmen.

Most of the mutual aid societies are not recognised and protected by the law, as they do not abide by the regulations of commercial legislation. Thus their existence depends on the tolerance of the powers that be, and, above all, on the good faith of their members, of whom every one might oblige his society to dissolve itself and wind up its affairs, if his aim were to prey on its profits or evade its liabilities. Thus the existence of these societies is precarious.

Why, it will be asked, do they hold themselves without the pale of the laws? The motives are many and diverse. They do not care to constitute and to establish themselves for a long period. When they have collected money enough, they are ready to dissolve in a productive association. They fear lest their manager should exercise the almost unlimited power the Code gives to the *gérants*. Besides, one must consider how they were founded. The first were established by artisans who were quite ignorant of what had been already accomplished in Germany and elsewhere. The originators suspected and were suspected by the police. (After the attempt of Orsini everybody was suspected). They met together in the vineyards of Montreuil, in the woods at Vincennes, in the glades. There, seated in a circle, the women and children disposed around as sentries, they discussed their rules and regulations, and they pledged themselves to fortitude, prudence, and secrecy, and then hid the register of their transactions under some tree. They acted thus under fear of prison and proscription.*

II. The productive associations, the object of so much care and solicitude, emerge but slowly from the midst of the mutual aid societies. That slow progress is to be attributed, amongst other reasons, to the smallness of the wages of the working man, which are less in France than they are in England, while the temptations to spend them are perhaps greater; besides, as public meetings are so much objected to by the police, they cannot be used to make the associations known. It would not do to go to an employer's factory and tell his workmen to leave him and to become their own employers. What remains is the expensive and objectionable proceeding of meeting the men at their favourite resorting place, at the bar of the wine dealers, many of whom are tools of the police. Recourse might be taken, one thinks, to pamphlets and periodicals; but so few artisans know reading—those who know read so little! Good pamphlets are exceedingly difficult to write; at the best, printed words have not the power of living speech. As to periodicals, they belong more or less to a government which eyes every independent writer as a poacher not as game.

How do these labour associations grow into existence? Those artisans who have most at heart the bettering of their own and their

* Article by M. Davaud in the periodical *L'Association.*

comrades' conditions, club together and invest their savings to the amount of a tenth or a fifth of their salaries, either in their private loan society, or at the *Crédit au Travail*, the central bank of the Paris associations. When the members think it is time to start, they decide by vote who are the most industrious and steady, and name them managers, men and foremen. All the while contributions and savings continue to be raised among the hands employed outside, and they leave the masters only by squads, and as their own concern becomes prosperous. As an example, we may instance the tanners' association. At first they spent the whole day at their employer's and worked two hours night and morning in their own work-room. Little by little, orders came in; group after group joined the association. Their house has become in a year and a half one of the most important in Paris. Preferring higher profits and smaller wages, they pay 4½ francs a day to the associates, and 5 francs to the *auxiliaires* or non-associates. They have opened in their ateliers a school, which they attend in the winter months.

We spoke of *auxiliaires*: what of them? They are outsiders, employed by the association to perform chance orders, especially when these orders do not demand any great skill.

Thus workmen become employers too of others' labour. Is there no likelihood that they take an unfair advantage of their position? This is a delicate question. Clearly the aid of these outsiders may be had recourse to, but not without restrictions. Who shall limit and regulate these restrictions?

In the first place, not every one is fitted to become an associate. To the success of the concern, moneyed capital is less necessary than the more sterling capital of personal morality. Money is certainly necessary, but above all patience, harmony, good will, and all other virtues which are summed up in the motto: "Liberty, Equality, and Fraternity." It must not be imagined either, that the million are anxious to get in; they must have saved some money, and to economise they must be willing to make sacrifices, which, if they do not verge on heroism, are in most cases painful and disagreeable. Auxiliaries have been known to work for years in an association, yet constantly refuse to enrol themselves, not being willing to give up one or two francs of their weekly pay, even if assured of regaining double or triple by-and-bye. It may be they will not, it may be they cannot renounce their billiards, their coffee, or a friendly bottle. Such as these pleasures are, they are almost the only enjoyment the hard-working man has, and moral courage is needed where a present pleasure has to be abandoned for a possible and future good.

Therefore candidates for membership are required to pass through a probation. There is an association with twenty auxiliary workmen to one shareholder, a single member taking the profits earned by the labour of his twenty subordinates.

In such a delicate matter as the intercourse between the auxiliaries as *employés* and the associated workers as employers, it is impossible to establish very definite rules. We must content ourselves

with saying that the number of associates ought to be in the majority over the non-associated. The most deserving amongst the auxiliaries ought to have the right of entering into the association after a time of trust not too long, and an apprenticeship not too hard; at all events, they ought to have some share in the profits. An association has the right to be close in all that concerns the admission of non-members, but then it ought to be all the more liberal in sharing with them the common benefits.

An association that needs outside labour needs outside capital too. There are trades, as those of the goldsmith and the engineer, which require constantly large advances. Are the would-be associates to wait and wait till their little savings may have accumulated to a deal of money? Having started once, must they refuse orders which might necessitate a loan?

Many deny to associations the right of calling in outside capital. We think it is going too far, we believe it an exaggeration, but the feeling is sound. Self-help is the true cry; besides, if working men wanted outside capital too freely, they would never get it.

A second party grants that associations should be allowed to borrow, but only at a fixed rate of interest; outside capital, they say, ought not under any pretext to participate in the profits. It ought to be satisfied with getting its stipulated interest, the amount of which is to be paid in full, even if the concern were to break. Thus, capital is so much supposed stock, bonds mortgaged on property.

The justice of this bonded capital theory (*capital obligations*), cannot be denied; since it recognises the strict right of the capitalist, it is most strictly just. The leading champion of this theory is an eminent lawyer, Mr. Gustave Chaudey, a friend and pupil of Proudhon.

But, observe other economists, co-operation intends to reconcile employer and employed, capital and labour. Its aim is not to reduce the capital to a mere sufficiency—but to respond to the demands of both capital and labour, and to pour upon labour the capital henceforth saved from being squandered on a useless or fatal outlay in war, usury, turf, or gambling. Treat capital as an enemy and it will return blow for blow; treat it with suspicion and it will hold itself aloof. Do not fear to make conciliatory advances; besides, is strict justice the truest justice? To curtail the share of the capitalist who strengthens our association, is like giving to the *auxiliaire* but the salary agreed upon, refusing him all part in the profits.

Mr. Horn, a distinguished member of the Society of Economists of France, has started the idea that the co-operative societies which have borrowed money on bonds, might grant the capitalist an eventual share in the profits.

We cannot find any possible objection to this proposition; in practice, however, it presents one temporary difficulty in the clear and positive distinction the French law makes between shares and bonds, not admitting that the latter may be subject to any risk. Laws

are facts, facts are stubborn things; but many stubborn laws have worn out already.

Under the title *Formula of Conciliation*, there has been proposed in the periodical, *L' Association*, and in the *Revue Germanique*, a solution of this much debated division of profits between labour and capital.

"Labour is capital in process of accumulation; capital is, or ought to be, the result of accumulated labour. Capital works through labour, labour through capital. Interest is the salary of capital, and salary is the interest paid to labour. A machine may be substituted for a labourer; a labourer—a living machine—may be substituted for a machine. Labour and capital being equivalent terms, which may be substituted one for the other in the social equation, it becomes easy to determine the share of each in the joint profits. What did labour cost? Its salary. What did capital cost? Its interest. Interest and salary are in their markets the current prices of these two merchandises. Labour and interest yield according to their cost. If salary rises in the labour market, the share of the profits of the labouring classes is augmented; if the interest rises at the bank, the share of the capitalist increases. Thus when money is at 5 per cent: the capitalist who has put 20,000 francs into the association, and the workman who receives a salary of 1,000 francs, receive each an equal share. When money is at 6 per cent, the shareholder worth 20,000 francs, and the workman getting 1,200 francs salary, receive the same dividend."

III. Co-operative stores are not as yet numerous in France, where the climate would seem less favourable to their existence than that of England. For the most part they are carried out on the English plan. We shall limit ourselves to general remarks.

Inferior in point of success to their English rivals, the French stores are so likewise in their moral character; for unlike the former, they do not devote a part of their gains to purposes of public usefulness, as schools and libraries. It has been said, in excuse, that the creation of a common fund would have exposed the co-operative societies to the interference of the police. For the State is the official guardian of the poor, and the administrator of all common property, and of all sums without personal owner. Now, although in that capacity, the State may act with rare delicacy and discretion in all cases which concern the goods in mortmain that have passed into the hands of the Roman Catholic clergy, although it never intermeddles with the affairs of the big convents or vast monasteries shut in by high dark walls—if it respects these as it respected formerly—"*La Cour des Miracles*," and "*La Grande Truanderie*"—such examples would not withhold it from making a strict inquisition into the co-operative societies, and a maladroit interference in their management.

The French stores—though one would hardly have suspected it—have not the gay, friendly character of their sister institutions in England; and this is one reason accounting for their smaller success.

The English are cheerful gatherings; where after the business report,

members have a tea-party, laugh and chat over their cake, and enjoy themselves with glee and merry songs. Not so in France—our meetings are ceremonious, they are grave and solemn affairs—one feels one's self watched by an agent wearing spectacles, his pockets full of writs for Mazas. Not feeling inclined to joke, orators speechify on the rapid progress of humanity, civilisation, and of liberty.

The co-operative societies of Alsace find the system of buying with tickets *(jetons)* answer well, a system which has succeeded in Germany to a certain extent. According to this plan, the association does not open shops of its own, but makes an agreement with tradespeople who consent to a reduction on the purchases. The customers pay ready money, and receive a ticket indicating the amount of the sum received. Every quarter these tickets are presented to the tradesman who pays the discount agreed upon.

This organisation presents many disadvantages of which the chief undoubtedly is, that it places itself entirely in the hands of the very man whose interest is most opposed to that of the associated buyers. For the system to be carried out successfully, the retailers must compete earnestly for custom, and never make a league amongst themselves. But there is one thing to be said in favour of that practice; it dispenses with the necessity of accumulating capital to start with, and may therefore be advisable in localities where the co-operators are not in a position to raise some capital. Moreover, the most successful association would do well to follow this arrangement with the butchers; for we have few examples of butchers' concerns amongst the associations which have succeeded.

Some French stores make to non-associated buyers a small allowance; some give none, but when balancing accounts the non-associate is asked to take a share payable on the profits realised, or to be realised, upon his purchases. If he refuse to enter into an association where he has to pay nothing, the association does not scruple to grant him nothing.

At Paris the possibility of keeping strictly to cash payments is nearly despaired of. Stores grant credit to consumers who corporate themselves in a *groupe solidaire*, where every one is responsible not only for his own debts, but also for those contracted by his fellow associates. Besides this, clerks and others who have permanent employment and fixed salaries organise themselves into a society. They purchase goods wholesale, and retail them at cost price to the members of their association. The difference between the wholesale and retail prices being about 30 per cent., they may borrow money even at 10 per cent. on the mortgage of their salaries. This would leave them a profit of 20 per cent.

On the whole, our co-operative stores are few, and, compared with the English ones, small concerns, of which France would have little to boast, were not Lyons to encourage us. That single town possesses more than twenty stores, all of which are succeeding. With a capital of 75,000 francs last year, they did business to the amount of two million francs, turning over their capital once a fortnight. Their

profits are about 50 per cent., a result which would be considered magnificent even by the able managers of Rochdale, Leeds, Oldham, or Halifax.

IV. To conduct their operations in a satisfactory way, all these loan societies, co-operative stores, and labour associations, require a commercial centre. For this reason, there was formed three years ago, a society called *Le Crédit au Travail.* Few banks ever commenced business more modestly. It started with only 170 subscribers and 4,000 francs, cash. But the founders were men of courage and sincerity, and it so happened that their idea came just at the right time. The progress of the bank has been remarkably sustained. The capital now amounts to about 250,000 francs, and the deposits to 350,000 francs, thus it has 600,000 francs at its disposal. For the last three years, the capital has increased at the rate of 500 francs a day. In August last, its transactions had reached a figure representing an annual circulation of twelve million francs. Its 170 subscribers have increased to more than 1300, it has almost always met with sympathy, and found encouragement even from the most unlooked for quarters. One by one all those who desire progress present themselves at the general meetings, and request the honour of being admitted among its members. The society *du Crédit au Travail* might have extended itself by forming a coalition with similar societies in the country, but it did not wish to assume the sole leadership. Being at a distance it could not judge of local business—and to undertake such responsibility would have been at once illusory and compromising. But its advice and sympathy have been given to similar enterprizes at Lyons, Lille, St. Etienne, Marseilles, Colmar, and Strasbourg. They have become its corresponding agents in the provinces as it is theirs in Paris.

The *Crédit au Travail* called together last July delegates from the co-operative societies of Paris and the provinces, and it has convoked an international co-operative congress for the 16th of August, 1867, on the occasion of the great Exhibition. An alliance of all the co-operative societies that exist, is one of its most earnest wishes, as we learn from a letter of the manager to the periodical, *L'Association.* It already numbers amongst its subscribers, citizens of all the countries of Europe and the United States. We share its hope that co-operation, destroying the obstacles of commercial interchange—putting an end to the antagonism between merchant and merchant, to the jealousy between the producer and consumer, and to the hostility between industry and industry—will contribute as much as the post, the railway, and the telegraph, to insure universal peace.

The creation of the society of the *Crédit au Travail* was followed by that of the Discount Bank of the People's Associations *(Caisse d'escompte des Associations Populaires)*, which was established at Paris eighteen months later. Its first report, dated the 31st of December, 1865, shows a balance of rather more than 150,000 francs. At present its discount business may exceed a million a-year.

These two societies owe their rise—the first to folks rather in an obscure condition, the second to the people of the upper ten thousand; the first sees its capital augment slowly by the contributions and the savings of people generally poor, or not very wealthy, whilst the latter was "born with a silver spoon in its mouth."

Besides its capital and its current accounts, the *Crédit au Travail* has for its financial instrument, its warrants (*Bons de Caisse,*) or "money orders," payable at from six months to five years, bearing interest varying from 5 to 6 per cent. The *Caisse d'Escompte* acts chiefly by means of bonds of 20 francs, bearing an annual interest of 1 franc. These obligations are payable to its order and negociable by it, but are mortgaged by the associations which borrow them.

"*L'Universelle*" founded at Valence, by MM. Vasseur and Frandon resembles the Discount Society rather than the *Crédit au Travail.* It has no especial aim, but occupies itself with all enterprises for advancing co-operative progress generally.

These three societies have this in common, that they proclaim self-help as their principle and depend solely on individual enterprise. In opposition to these has recently started up a fourth institution, whose existence was officially announced in the *Moniteur.* Its only founder is the Emperor Napoleon III, who placed at its head functionaries of the government, and several deputies of the orthodox set. So we have now voluntary and authoritative co-operation, the co-operation of the co-operators, and that of the State. Of this new bank we cannot say anything, as it has not yet begun its operations.

La Societé de Beauregard and *le Familistère de Guise*, are two enterprizes, very different on a first examination; the one being strictly co-operative, the other making efforts to become so. But they differ only in appearance, for the idea which inspires both is the same, that of constituting the *Commune de l'avenir.* The time has not come for discussing them. The establishment which most resembles these, may be that of Reutlingen, in Wurtemberg, where the Pastor Werner has founded an institution which is essentially of a religious nature, but bearing at the same time a philanthropic, industrial, socialist, and semi-co-operative character, which it would be very difficult to define. It seems to be an intermediate link between the monastery of the past, and some *phalanstery* of the future.

To sum up, in England and in Germany the associations may, and without flattery are, to be considered as a great fact. In France they are yet in their infancy, and have acquired just importance enough

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* From data collected in the "Annuaire de l'Association," the paper *l'Association*, and its successor, *la Coopération*, we infer that there now exist in France, at the end of the year 1866, about 350 co-operative societies, of which—

	Labour Associations.	Bakeries and Stores.	Banks and Loan Societies.
In Paris, 210, viz. :—	50	7	153
In the Departments, 148, viz. :—	35	90	23
	85	97	176

to make the financier shrug his shoulders. But by the social economist, by the historian and philosopher, the co-operative societies are studied with interest. And those who are men of large hearts and wide aims, will give a helping hand.

The Whitwood Colliery. By Archibald Briggs.

It will, no doubt, be remembered by many, that at the Sheffield Congress of last year, a paper was read by Mr. G. J. Holyoake, on "Partnerships of Industry," wherein he specially referred to the then very recent adoption by Messrs. Henry Briggs, Son, and Co., of the Whitwood and Methley Collieries, near Normanton, of the principle of a partnership between themselves and their workpeople.

I, as secretary of the company, promoted for the purpose of carrying out this important and interesting experiment, for experiment it must be called, have been requested to embody in the form of a paper the result of the experience we have gained, and the difficulties we have encountered, during the first year's working under the new relations of capitalist and labourer.

The collieries now worked by Messrs. Henry Briggs, Son, and Co., "limited," were, until the 1st of July, 1865, the property of a private firm. I think I may say that that firm was always liberal in its treatment of its workmen, and anxious to promote their welfare; but, notwithstanding this, and notwithstanding the very favourable conditions as to situation and quality of coal under which the collieries were worked, frequent and lengthened strikes had for several years most seriously interfered with the legitimate profits of the business.

Under these circumstances, it was suggested that a remedy for the evils which had been experienced might be found, by securing to the workmen a direct interest in the profitable working of the undertaking. This suggestion being heartily concurred in by all those interested in the business, a Company was formed under the Joint Stock Company's Act, 1862, "with the primary view," as was stated in the prospectus, "of securing the co-operation of all those connected with the collieries, either as managers or workpeople," "or as customers."

The original proprietors retained upwards of two-thirds of the capital in their own hands, and in allotting the remaining one-third, gave a preference to applications from officials and operatives employed in the concern. They went however beyond this, by adopting the principle, that whenever the annual divisible profits exceeded 10 per cent., one-half of the excess should be divided among the workpeople and employés, whether shareholders or not, in proportion to their earnings during the year, by which means a direct interest in the economical working of the collieries was given to every workman.

I may here remark, that upwards of 60 per cent. of the cost of raising coal consists in wages paid for manual labour, and a further 12 or 15 per cent. in materials—such as wood, oil, iron, &c., any unnecessary waste of which can be prevented by care on the part of the miners. From this circumstance arises the especial applicability of the principle adopted by us, to mining enterprises.

When first the scheme was proposed to the workmen, they received it with enthusiasm, and everything seemed likely to proceed as well as we could wish. Soon, however, doubts began to arise in their minds, promoted in the first instance by a few of the paid agents and lecturers employed by the Miner's Trades' Union, who began to fear, that if our co-operative company succeeded, strikes would cease and their employment come to an end.

Under the influence of several of these leaders, up to whom the ignorant mass of the colliers had long been accustomed to look for advice and support, a large proportion of our workmen put no faith in our good intentions.

There were, however, notable exceptions to this rule; from the very first, a small band of steady and thoughtful men (some of whom had been bitter opponents of their employers in previous disputes) rallied round us. Some paid up shares at once, while others formed share clubs, whereby each member by payment of 1s. 3d. per week, could eventually become a shareholder.

Such was the position of affairs when on the first of July, 1865, the new company commenced operations.

I must here mention a circumstance which illustrates in a remarkable manner the want of faith in the scheme prevailing among the majority of the workmen. According to the rules framed for regulating the distribution of any bonus on wages, it became necessary for every person earning weekly wages, who wished to qualify himself for participation therein, to purchase at the cost of one penny a small book provided by the company, and having the rules printed on the back. This book he was required to bring, together with his weekly wage notes, to a clerk appointed to receive the same, for the purpose of having his earnings entered therein. It was also specified in the rules that on or before a certain day, after the expiration of the year, all these books should be delivered in for the necessary additions and calculations to be made. It was of course expected that every man and boy employed by the company would take the trouble to conform to these simple rules, as it was distinctly understood that non-attendance to this formality would forfeit all chance of bonus at the year's end. Such, however, was not the case, indeed so small a proportion showed even this amount of interest in the scheme, that, at the end of the year 301 books only were given in, although the individual recipients of wages during that period must have exceeded 1,000.

The reasons alleged by some of the workmen for declining to have their wages thus entered are curious and worthy of record.

Some declared that our only object was to publish a summary of

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their earnings at the year's end, thus betraying a consciousness of their mis-statements in this respect during the continuance of previous disputes. Others urged that the income tax collectors would get hold of their books and surcharge them accordingly.

Some, who had a habit of spending a large proportion of their earnings in the beer shops, objected on the grounds that the wage books might betray to their wives the sum they squandered on their selfish personal gratification. Many others again, relying on the representations of Trades' Union Delegates, dreaded the whole scheme as intended to undermine that union, and sow dissension among the men by setting shareholders against non-shareholders.

All these active sources of opposition were however easier to combat than that listless apathy which led still greater numbers to be utterly careless and negligent.

In spite however of these unexpected difficulties we consider the result of our first year's working to be a success. The band of good steady men has been constantly increasing, and as was hoped, they have been incited to increased exertions, which have tended to the commercial prosperity of the undertaking as well as to their own advancement in comfort and intelligence.

Fortunately we have enjoyed a prosperous state of trade during the past twelve months, and this, aided by the increased care and attention of the workmen, and above all, by the absence of strikes, has enabled us to divide 12 per cent. on our paid up capital among the shareholders, and to devote an amount equal to 2 per cent. to the formation of a bonus fund for the men; out of which we have distributed, in accordance with the regulations adopted, a bonus of 10 per cent. on their year's earnings to working shareholders (of course in addition to the dividends on their shares) and a bonus of 5 per cent. on their year's earnings to working non-shareholders.

The practical result of our first year's operations has of course removed many of our difficulties. We worked on through that first year with hope, though sometimes with sinking of heart; now we have the benefit of an argument worth fifty of those previously at our command, namely, that of actual experience.

Before, we had only words and promises to give—Now, we can remind our men of the day when after receiving their regular wages, every holder of a bonus book came into the pay office and numbers left it richer men than they had ever been before. Many had a five pound note in their possession for the first time, and some few had two; the highest bonus being paid to a miner, who being a shareholder received the amount of £10 18s. 10½d., or 10 per cent. on his year's earnings of £109 8s. 9½d.

As an illustration of the convincing power of actual experience I may name that one of the union lecturers, who has hitherto been a bitter opponent of our scheme, in addressing a meeting of colliers summoned by him shortly after the payment of the bonus, publicly advised all his hearers to become shareholders as soon as possible; and expressed his conviction that our plan was a valuable one, which should have *their support.*

Of course, many of those men, who, through indifference or want of faith failed to qualify themselves to be participants in the bonus paid on the past year's earnings, feel much aggrieved ; and have made several recent attempts to upset our plan, and to gain the ascendancy which they feel to be slipping through their fingers. This remark applies especially to the men employed at the Methley Junction Colliery, who, living as they chiefly do in the village of Methley, a very hot-bed of unreasoning trades' unionism, and further removed from the central offices of the company, have not been brought so much under the influence of the managers. Choosing the short interval that elapsed between the declaration and the payment of the bonus, these men made a demand for an enormous unconditional advance of wages. Feeling this demand to be most unreasonable, we brought the application before a meeting of our shareholders, and were gratified to find that the *working* shareholders, mostly miners employed at the Whitwood pits, most strongly urged the adoption of very decided measures to resist the unreasonable demand of their fellow workmen, on the ground that such an advance as they asked was not warranted by the general state of the labour market, and would, if granted, give an undue advantage to one particular class of workers.

This strong expression of opinion on the part of the working shareholders at once showed the Methley miners that their opposition to our co-operative system was useless, though many of them still look on it with unreasoning jealousy.

The arguments made use of by some of the malcontents, that if we could afford to give a bonus on earnings at the end of the year we could afford to give an unconditional weekly advance of wages, is one to be expected from short-sighted ignorant men ; but it has somewhat surprised us to hear some who pretend to be leaders of public opinion advocate the view that the distribution of a proportion of profits among the workmen is simply and purely the same thing, and will have the same effect as raising their fixed daily wages.

The strikes now so general among all classes of workmen most frequently arise from a suspicion, often very unfounded, that they are not receiving a fair share of the results realized from their labour. Once satisfy the labourer that if, by extra care and attention, he increases the profits of his employers, he can depend upon receiving a fair share of that increase, and all the principal incentive to "strike" is gone.

Unfortunately we, in common with other employers, have found that an unconditional advance in daily wages too often results in less work being done, less money being provided for the maintenance of the workman's family, and more squandered in the beer house.

I am, however, glad to be able to say that the amount distributed among our men, as bonus on their past year's earnings, has been *well* spent; by some in the purchase of shares in the company ; by others in paying an instalment towards the purchase from the company of a plot of freehold land whereon to build a cottage ; while the

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purchases of pigs, chests of drawers, new gowns for "t'wife," etc., which I heard of, were indeed numerous.

Several instances might also be named of the reformation of unsteady dissipated men, who, having once commenced to subscribe for a share in the company, and thus obtained an inducement to save, have improved not only in pocket but in conduct and morals also.

I would also say a word in regard to the effects to be hoped for from the new system of partnership, as regards the interest of the capitalist. The great and important object we hope to see gained by the spread of co-operation between employer and employed has been clearly brought before you by an abler pen than mine, but I do feel most strongly, that if the example we and a small number of other pioneers have set, is to be extensively followed; if this movement is not to be always regarded, as no doubt it is regarded at present by numbers, as a chimerical and untenable philanthropic scheme; it must be shown not only to benefit the labourer but the capitalist also; it must be proved to incite the workman to such additional energy, care, and steadiness, as to render his services more valuable to his employer.

In regard to our own case, I can only repeat here what I have already said in reply to one of our shareholders, who asked me "What is the use of giving away £1,800 to our workmen, when they have already been amply repaid for their labour?" I contend that we do not "give away" anything to our workmen; on the contrary, we say to them: "if you, by extra diligence and care in your work, earn for us a return for our capital, over and above a fair standard fixed by ourselves, we will give you a fair proportion of that excess;" the result of a year's experience has proved that this can be done. Taking 10 per cent. as the average annual return on colliery property, we have, during the past year, exceeded that amount by 2 per cent. divided among our shareholders, besides appropriating a similar amount to the workman's bonus; making a total of 14 per cent. distributed, besides carrying forward a general reserve fund, and also a bonus reserve fund, so as to insure a payment of a bonus another year. Thus, both employers and employed have been gainers under the new system.

Our detailed monthly estimates of profit and loss have also brought out a rather curious confirmation of the value and correctness of the views we hold; on comparing the respective profits yielded by each of the three seams of coal we are working, it appears that those profits (other things being equal) increase in a tolerably exact proportion to the number of workmen who interest themselves in our co-operative movement.

The result which we have thus far attained is calculated to give confidence, not to ourselves only, but also to our workmen. Those who have believed in us from the beginning are confirmed in their faith, and can now turn the tables upon the sneerers, who laughed at, or abused them; while doubters, and even actual opponents, are

now working with us, and will help to insure a still greater measure of success for the future. The name of "shareholder" will become a term of respect among them, and not of dislike or ridicule, as it has too commonly been hitherto.

I trust, too, that we shall have established a mutual confidence between employers and workmen, which will for ever supersede the use of those disastrous weapons—strikes and lock-outs; which never yet brought aught but mutual dislike and suffering.

I have had occasion to refer to the Miners' Trades' Union. It must not be supposed that we wish to prevent our workmen from remaining members of the union, so long as they do not use that membership as an instrument of opposition to our scheme; but this I do say, that if our system of partnership of capital and labour succeed, as I hope and believe it will succeed, every legitimate object of the Trades' Union will be attained; and it must die a natural death, or better still, be converted into a benefit or accident club; while a better and more extensive union will prevail; that of coal owners and colliers, of employer and employed, which cannot fail to produce the best results, both moral and physical; results which will not be confined to our own branch of industry, or even to our own country, but will spread wherever man has to earn his living by the sweat of his brow.

MISCELLANEOUS.

The Economy of Public Works. By R. Arthur Arnold.

In the division of labour, which may be said to be both the cause and the effect of civilisation, there are certain functions which universally appertain to the government whether it be what is termed local and subordinate or central and imperial. Even a rude society discovers the economy of government, the advantage of general subjection for the commonwealth. And while I should be disposed to rank as first in importance among the functions of government the maintenance of the authority of law, I think the second is the execution of public works, or such control of them, as the condition of the community may render desirable.

First in importance among such works must be ranked the means of inter-communication. Undoubtedly it is one of the primary functions of government to provide highways, but it has happened in the case of this country that the original system in respect to communication between town and town has been superseded by railways, which, beginning as an invention, have grown up under the influence of private enterprise and are in no sense the property of the nation. As a fundamental proposition no man would affirm that the highways of a country should be private property, but it may well be doubted if there would have been 13,000 miles of rail-highways in the United

Kingdom had the duty of construction been undertaken by the government. At the same time, it is not difficult to perceive the losses which must be charged to the present system. Official returns shew that the average cost of construction in France has been £25,000 per mile against £39,000 in England; of this excess of £13,000 per mile, I think £6,000 at least is fairly chargeable to the difference of our system. This would represent a total loss of £78,000,000. But this does not represent the measure of the defective economy of our system, though it is more than one-sixth of the total sum expended in the construction of railways in the United Kingdom. Of this defective economy, Bradshaw's Railway Map is the best illustration that I know of. Here a trunk line, one of the main highways of the kingdom, may be shewn to have been curved in deference to the opposition of some short-sighted but powerful landowner. There are large and important towns like Northampton and Cheltenham, avoided by the trunk railroad in obedience to their own ignorant wish, expressed at a time when a railroad was thought to be rather more a nuisance than a benefit. If every one of Her Majesty's lieges who undertakes a day's journey loses but a quarter of an hour through such a misdirection of the line of railway, the total of such waste would make up the sum of many, many lives.

No doubt the forthcoming report of the Railway Commissioners will illumine this subject, and I confess that I should not be astonished if sooner or later it was made clear to public opinion that the existing system of management is not the most economic; that the public interest in the cheap and economic conveyance of their persons and their goods is of transcendant importance. It is not very difficult to perceive that thorough unanimity of direction would more nearly assimilate the railway to the ancient highway system. For instance, there are now four lines of railway competing for the traffic between London and Manchester. One train starts for Manchester with its front towards York, and another with its front towards Bristol. Now assume that all the through traffic between London and Manchester ran on the lines of the most direct railway, increased in number if necessary, what a saving of time, of rolling stock, and all charges would result. Goods' trains would not be shunting and shunted at every station, and as in olden times goods passing between London and Manchester would never be found on the York or Bristol road. That our railway system admits of and will be subject to great reforms there can be no doubt, but public opinion alone is strong enough to bring so mighty a subject to its account.*

In high places it is a comparatively recent discovery that all highway improvements are fraught with pecuniary benefits to the property to which they give approach. Instead of receiving large sums by way of compensation it would have been a very reasonable contribution on the part of the great majority of landowners had they given the land required for the railways. I know no more

* See *Transactions*, 1865, p. 585.

signal example of how much greater is the advantage of the property owners than that of the constructors of such improvements than the results of the temporary abolition of the Southwark Bridge penny toll. The number of foot passengers over Southwark Bridge paying a penny toll was 257,616 during six months. By way of experiment the toll was taken off, and though it might be supposed that the public would not, without years of habit, regard this as a free bridge, yet the number of foot passengers rose during the six months of freedom from toll to 2,359,312. There is a moral in this fact applicable to railway companies and railway fares.

But there is a second class of public works which have also been to a great extent subject to private enterprise—works in connection with the public supplies of water and gas. I have very strong objections to the possession of such works by private companies or individuals. First, because when they have obtained the concession of, or rights over a district, their interests may be opposed to any improvement in the quantity or quality or character of the supply; and secondly, because in those places with not sufficient population to make the necessary works at once remunerative, and therefore not the fit subject for such operations, the inference is drawn from the unfortunate prevalence of the private works system, that these places do not need such works or that they must wait until the supply will be remunerative, and so the local authority is shielded from public censure, though the populations of these villages and hamlets may be decimated for want of a supply of water.

In this county, and eminently in this city, it is the rule that the possession and the administration of the supply of gas and water are in the hands of the local authorities, and I am bound to say, having had somewhat unusual opportunities for observation, both in this district and in the south, where the opposite rule generally obtains, that I regard the Lancashire system as very superior in its results, both economically and as affecting the public health and convenience. Incidentally, I may express my opinion that we are now assembled in a city, which in respect to its supplies of gas and water is in superior condition to any other city in England. And, using the Manchester waterworks as an example, I would inculcate the benefits of association in regard to public works. Not only can water be supplied more economically by concentrated works, with a wide distributing area, but by the greater depth of the reservoirs and the great body of water its purity is preserved in a far greater degree than would be possible in smaller works. The Manchester waterworks have powers to supply thirty townships, and at a distance of nearly 20 miles from the reservoirs, the adjoining populous borough of Salford is supplied at a rate of 3d. per 1,000 gallons. I must refer, however briefly, to the economy of pure water, such as that is which is supplied to this city. But for the system of permitting these supplies of elementary necessaries of life to fall into the hands of private companies the water supply of London could never have been in its present unsatisfactory condition. Referring to the recent

outbreak of cholera, I might say much upon the loss of public health which the metropolitan water supply involves. But this would be trenching upon the domain of the Health Department. I will deal with the fact that the water supplied daily to London is estimated to contain not less than 100 tons of carbonate of lime, and with the economic waste which this involves. It is this lime which constitutes the hardness of the London water. Now the water supplied to this city, or that which it is said might be obtained for the supply of London from Wales, compared with that drawn from the chalk formation in the neighbourhood of the metropolis containing 16 degrees of hardness, is estimated to require one-half less soap and one-third less tea to effect the same results in the washing tub or the teapot, which I think would render possible a saving in the use of the two articles within the metropolitan district equal to £522,000 a year, or, capitalised at 4 per cent., to £13,125,000.

I have said nothing about the saving in coffee, and in every other operation both manufacturing and domestic in which water is a constituent. I hope and trust before long, on grounds purely connected with the business of this section, to see London unanimously and efficiently self-governed, and her supplies of gas and water duly administered by those who are directly responsible to the ratepayers, and those who have the responsible trusteeship of the street surfaces.

But far across the globe there is another portion of Her Majesty's dominions, where the economy of public works has been, and may be even more signally instanced. While I think that the construction of public works in India has not been so rapid as the most sanguine had hoped for, yet it is observable that there has been no loss of progress by the change of government from the Company to the Crown. The last of the Company's governors, who in the imperial grasp of his character, and I must add the unscrupulousness with which he expanded the dominions over which he ruled, was eminently fitted to close the line which included a Hastings and a Clive. Lord Dalhousie himself recorded in his most able review of his reign, that if good railways and roads were constructed, and if the navigation of the rivers was improved, the Punjaub would be able to supply England with wheat at less than 20s. a sack. I cannot resist the impression that in India a most useful partnership between public works and private enterprise might be entered into, that the government, by adopting the system of concessions, might forward their construction with increased celerity, which is so necessary both to our peaceful possession of the country, and also to secure due increase of production, and the population from the recurrence of these dreadful famines.

But I must pass to a description of works necessary in the highest degree, yet so unremunerative that their construction always falls to the local authority. The summary and unprecedented authority, which public opinion has recently granted to the Home Office in respect to drainage, is the best evidence of the public sense of the importance

and efficacy of sewers and drains in regard to public health. I think it is a great economic fact that the sewerage of nearly three millions of people in the metropolitan area is removed from the neighbourhood of their habitations by water carriage, which may be described as self-acting and unseen. The economy of this system will doubtless be more fully realized as the utilization of the sewage is accomplished and the Thames preserved from pollution to the greatest possible extent. There is yet a great deal to be accomplished in the economy of the refuse of towns.

But it will be expected that I should speak somewhat of my own experience in regard to public works in this district. And in referring to the Public Works Act, I cannot entirely overlook the circumstances connected with its origin. It will always be to me a proud recollection to have borne an active share of official labour in connection with the cotton famine. In a few weeks my official connection with this district will terminate, but I shall always think of the people of Lancashire with gratitude, admiration, and respect. The Lancashire of to day, I am thankful to say, presents a very different aspect from that when I first beheld it four years ago. Then the uppermost question was, how to find labour for the unemployed? In such a state of things, in similar distress the working class will generally evidence a feeling that they have a right to employment. Only recently, in the shipbuilding trade at a large meeting of distressed artisans, it was suggested with general concurrence that influence should be used to obtain work from the Admiralty. One of the greatest economic blunders ever made in regard to assistance of labour by the State, was that with which the name of Louis Blanc was associated in 1848. Wishing to hasten the progress of the labouring classes in self-respect and the possession of capital, he instituted national workshops in which the State was to foster co-operation by the provision of capital. The experiment proved however that this progress can only be safely and surely accomplished by suitable education, and by pointing the road by which the working man may acquire for himself and by his own labour that rest which the possession of capital will afford. The disastrous experience of the Irish Famine had preceded this failure. Nor were we here in Lancashire without experience that economic failure must follow upon such dereliction of principle. Two of my earliest visits in this district were to works in the neighbourhood of Stockport and Ashton-under-Lyne, upon which some hundreds of distressed operatives were engaged in removing earth at task work for their relief, which was a stated amount per man, and would not be affected by the extent or the efficiency of their labour. Observing with regret the farcical and very unsatisfactory character of their work, I took some pains subsequently to obtain some economic particulars respecting it and I found that in one place the earnings of the men were five-eighths of a penny per day, while in the other the removal of a dirt heap for which the Relief Committee received £17. 7s. from the landowner, cost them £476. 6s. 6d.; in other words, they took

the work at 2d. per cubic yard, and its execution cost them 24 times as much, or 4s. per cubic yard. In both cases let me say, the Relief Committee were not only blameless, they were praiseworthy. Both do but illustrate the certain failure of the make-work system. Some of these very men, indeed a great number of them, whose labour thus employed was so valueless, earned 2s. immediately they were transferred to the wages system under the Public Works Act.

This Act, which was but one of the many useful statutes that signalized the administration of Mr. Villiers, the late distinguished President of the Poor Law Board, was the result of a survey made by my friend Mr. Rawlinson. It had a twofold purpose, that of affording employment and of promoting the execution of necessary sanitary works. At first the former appeared the more important, now the latter is all valuable. So little was this an eleemosynary measure that I, who have been most closely connected with its operation would not hesitate to recommend that its powers and provisions should be made generally and at all times applicable to the entire kingdom. I would do this on sanitary and economic grounds. Because I have observed that the advantage of borrowing direct from the government is highly valued by the local authorities; that the officers of the government are able to check expenditure upon works not properly within the scope of such a measure, and to spread, by advice and suggestion, information as to the best and most approved modes of construction, and especially as to the details of construction. Nor is this all. The low and unvarying rate of interest at which the State can, without national loss, make loans, does vastly promote the execution of sanitary works, as it obviously affects their economy. I am sure that of the three or four hundred miles of sewers and drains which have been provided and laid under the provisions of this Act; of the public parks and cemeteries which have been purchased and formed; of the water works which have been and are being provided, a very large proportion would not yet have been undertaken but for the facilities, I may say, the invitation which this Act afforded. The ninety local authorities with whom I have had the honour to hold official relations have justified and increased my respect for local government, and the expenditure of a million and a quarter upon these works has been accomplished with general satisfaction. Economically the advantage has been very apparent in the many rural parishes, where, by the execution of permanent works of paving upon the highways, I am informed a saving equal to 50 per cent has been made in the highway rate, including the annual sum due on account of the repayment of the loan. In the case of the most extensive private works, executed by the guardians of the Glossop Union upon the estate of Lord Edward Howard M.P., whose thoughtful kindness to the poor in his neighbourhood I cannot eulogise too highly, at a cost of nearly £20,000, including land drainage, water supply, and roadmaking, upon which more than 400 men were employed, the expenditure of every pound was thus proportioned,—labour 13s. 11¾d., materials 3s. 2¼d., team

work 1s. 11¼d., plant and materials 10¾d. I could, if time permitted, give many such satisfactory instances respecting a work which I venture to think has given general satisfaction. The Sanitary Act of last session has already rendered permanent many of the temporary powers conferred by the Public Works Act, but I have no hesitation in repeating my humble opinion that the whole of its provisions so far as they relate to the execution of necessary sanitary works, with an increased credit with the Exchequer, might be generally enacted with advantage to the economy of public works.

Measures taken in France by Manufacturers at Mulhouse and at Guise, for the benefit of their working people.

By Henry Roberts, F.S.A.

In more than one of my reports on the movement for improving the dwellings of the labouring classes, given in the past *Transactions** of our Association, I have alluded to the extensive and successful efforts made for that object at Mulhouse. With the hope that in the city after which that town has been named, "the Manchester of France," the example there set may stimulate some of its great employers of labours to adopt similar measures for the benefit of their working people, a brief outline of them is now offered in conjunction with some notes on an equally interesting effort more recently made at Guise, in the department of Aisne. The last volume of our *Transactions*, page 459, gives, in a paper by Mr. Godwin†, an interesting synopsis of the more detailed account of this undertaking by Mr. Tito Pagliardini, published in the *Social Science Review* for October 1865. It is also described at length in a French pamphlet by M. A. Oyon.‡

The visits which I have paid to both these establishments, and my intercourse with their founders, enable me to form some estimate of their value, as well as to compare them together, and in some degree to judge how far they are the reflections of efforts commenced in our own metropolis twenty-two years since, and now progressing gradually although slowly, compared with the necessity, in all directions.

The *Cité Ouvrière* at Mulhouse, is an offspring of the active benevolence of some of its large manufacturers, particularly that of M. Jean Dollfus, who has in his employ about 4,000 work-people.

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* *Transactions* 1858, p. 583; 1860, p. 763; 1862, p. 750.

† In the view accompanying the plan which so well illustrates Mr. Godwin's descriptions of the building, an artist's liberty has been taken by introducing an ornamental inclosure walk, &c.

‡ Entitled "*Le Familistère de Guise*," étude par A. Oyon, Paris, Librairie des Sciences Sociales, Rue de Saints, Père 13.

The idea of constructing it originated in the receipt of a translation of my first work on the dwellings of the labouring classes, made and distributed throughout France by order of the Emperor when President of the Republic. This *cité*, which was commenced in 1853, is on a scale more extensive and complete than that of any similar establishment in the empire. It reflects much credit on the founders, and on their architect M. Emile Muller. Situated in the outskirts of a manufacturing town of about 50,000 inhabitants, a spacious road, planted on either side, runs between the main groups of cottages, and parallel roads run behind them. The houses are chiefly arranged in detached blocks of four dwellings, each placed in the centre of a square plot of garden ground, which is divided equally between the tenants; two of these dwellings face the main central road, and two the minor or back road—an economical arrangement in regard to cost of construction, and one which admits of good internal ventilation, although not altogether as perfect as when houses are built in pairs. The dwellings, which are not precisely uniform in their internal disposition, have mostly a wide entrance, fitted up with a cooking-stove and sink; beyond is a staircase leading to three bedrooms and a closet; the remainder of the ground floor is devoted to the living-room with a large recess behind the staircase, of sufficient dimensions to contain a full-sized bed; this compartment has a side window, and in some cases, being partitioned off from the living-room, it forms a small separate room. There are besides these blocks of four tenements, several rows of double houses, built back to back, each having a narrow strip of garden ground. Their arrangement cannot be commended as consistent with good ventilation, and the general appearance of the tenants indicated to me a decidedly inferior class of occupants.

Baths, a wash-house, and a bakehouse, as well as a public kitchen and restaurant, conducted by a *Société Alimentaire*,* were opened when I visited the *cité;* since then there have been added a reading-room, a school, a lodging-house for unmarried men, and one for men on the tramp. In order to facilitate the purchase by the tenants of articles of the greatest necessity, good in quality, and moderate in price, there has been established a depôt of clothes, one of boots and shoes, another of household articles and furniture; whilst by the sale of coals, an economy of about sixty francs per annum to each family, as compared with the cost of wood for firing, has been placed within their power.

The land purchased for the *Cité Ouvrière* was deemed sufficient for building 800 houses, of which, within nine years from its commencement 618 had been built at a cost of from 2,000 to 3,600 francs, or £80 to £144 each. Every tenant has the option of purchasing the

* For an account of the Restaurant Economique, opened in 1856, I would refer to my paper entitled "Notes on various Continental Establishments for the Economical Supply of the Working Population with Wholesome Dressed Food" given in the *Transactions* of our Meeting in Edinburgh 1863, p. 675.

house in which he dwells by the gradual payment of its cost price. At the end of 1862 not fewer than 538 had been thus purchased, to the very marked benefit of the occupiers and their families, and with the further good result of supplying the funds necessary for continuing the buildings without any increase in the original capital of 350,000 francs provided by the founders of the *cité*. As new houses are built, three-fourths of their value is borrowed on mortgage for a term of twenty years. The amount of the outlay on the houses actually returned by their sale to the tenants, had risen in 1862 to more than 650,000 francs, or £26,000. Well did M. Dollfus ask "How, without the sale of our houses would the amount saved in so few years by the poor workmen, fathers of families, have been employed? The public house would certainly have received a larger portion than the savings bank."

The population of this newly-created locality was in 1863 about 5,000 souls, and it was expected that the society would be able to continue building and selling from 80 to 100 houses annually, and thereby greatly increase the well-being of 500 to 600 persons each year.

The outlay on the roads, fencing and planting, as well as on the baths and washhouses, school and other appendages of public utility, was defrayed out of a government subvention of 300,000 francs, or £12,000; being a part of the 10,000,000 francs appropriated to such purposes by the Emperor, with a view to stimulate the work in France.

M. Dollfus, when attending the Congrès International de Bienfaisance, held in London in 1862, alluded to a subject which was deemed so important and worthy the consideration of all employers of female labour, that a translation of his words will not, I trust, be deemed out of place on this occasion. "I have thought that it would be the means of saving the lives of many children, if the manufacturer would consent to continue the payment of the mother's wages for six weeks or two months after the birth of a child, without requiring any work, thereby allowing the mother to give all her care to nursing it during the period when it has the greatest need. The sacrifice would not be considerable, especially in comparison with the advantage to be gained, we are going to try it at Mulhouse." M. Dollfus calculated that in his own case it might involve an outlay of £300 per annum, and be the means of saving from thirty to forty lives. The number of births amongst his workpeople being on an average about 100 annually.

The undertaking at Mulhouse, which has been briefly described, differs in many respects from that at Guise, to which I would now direct attention, and in doing so my object is not to attempt afresh what has been already done so well by two other members of our Association, but only to point out some of its leading features, and to present, as a supplement to their accounts, a few notes which are the result of personal observations made towards the end of June last, when, unaware of the suggestion in Mr. Godwin's paper, "that a

deputation of members of the Association should make a journey to Guise and report fully the result of their investigations and inquiries," I went there, simply to see for myself an undertaking by a single individual who, unaided by government, has won for himself a title to the gratitude not only of the working people in his own employ, together with that of their families, but also of those who it is reasonable to hope will be benefitted through the wide-spread results of its imitation by other employers.

The Familistère, or workmen's home, at Guise, is well situated, apparently, at the termination of one of the main and wide streets of the town, with the open country beyond, and in close proximity to the pleasure grounds, and the garden of its founder, M. Godin Lemaire, who employs about 800 workmen in his neighbouring iron foundry and workshops. The general disposition of the building, its height, and the ornamental character of the brick facing, give it a very imposing effect. When, to the two blocks of dwellings now completed the intended third block is added, they will form the three sides of a hollow square. Each block has an internal quadrangle covered over with a glazed roof,* and in this respect I believe that the building does not resemble any other existing pile of workmen's dwellings. Surrounding these quadrangles are open galleries, which, by means of a staircase carried up in each angle, affords access to the tenements on all the upper floors. This is an old system, common in Italy, and which I first introduced in the building of workmen's dwellings in England, when in 1848, as honorary architect to the Society for Improving the Condition of the Labouring Classes, designing the model houses for families in Streatham Street, Bloomsbury. It has been subsequently adopted in numerous instances in our own metropolis,† as well as in Edinburgh

* I had not the opportunity of ascertaining conclusively, by personal observation, how far the various ingenious contrivances for securing ample ventilation of the quadrangle effect that important object, but I did not perceive anything of the closeness which might have been expected in a June afternoon, and which I have felt in the quadrangle of the Louvre Hotel, Paris, where there is a similar covering.

† The new pile of dwellings in Gatliff Street, Chelsea Bridge Road, Pimlico, for 149 families, built by the Marquis of Westminster, is an example worthy of notice. The galleries are there carried round the three sides of a hollow square, which forms a quadrangle in the rear of the building, similar to that at Streatham Street, and affording the opportunity, so much appreciated in the arrangement of the Familistère, of providing a playground for the children, under parental observation. The manifest beneficial results of such a provision I remember to have been particularly remarked by an eminent physician, when accompanying me over the Streatham Street houses, shortly after they were opened. With the modified form of external gallery, which I adopted in the construction of the late Prince Consort's Exhibition Model Houses, 1851, the same advantage may be obtained, where sufficient ground is provided. I could wish that this had been the case in regard to the piles of improved dwellings built after this model by the Corporation of London, and by Alderman Waterlow's Industrial Dwellings Company. The great value of land in London renders such a provision costly, and this, as well as the amount of rent charged, has been too often overlooked in

and elsewhere. In the Familistère there is abundant space in every part. The general size of the rooms is fully equal to that in the most commodious of our model houses, in which respect it has decidedly the advantage of several recently built in the metropolis. The sanitary appliances have been well considered, and are unusually good for the continent.

The first block of buildings was commenced in 1859, and opened in 1860. It contains 105 family tenements and thirty single rooms. The second was begun in 1862, and finished in 1864. It provides for 135 families, and has space for single rooms in the mansard roof. On the ground floor there is one magazine for the supply of groceries, linen drapery, and haberdashery, which is made up on the spot. Another supplies meat as well as kindred articles of food, and connected with it there is a cooking kitchen. A third is for the storing and sale of articles of beverage. Fuel and vegetables are sold daily at fixed hours.

The educational arrangements at the Familistère are amongst its most noteworthy features. With a population numbering at present about 800, men women and children included, one department is provided with cradles for thirty babes, and in the new school building there will be sixty. In the department for infants of two and a half to six years of age there are 100 children. In that for juveniles of six to eight there are thirty, and in the upper school there are seventy, the total number of children under instruction being 320; and this is given without payment; indeed, the attendance of the children in the Familistère is obligatory, and enforced by a fine on their parents if they are absent without a sufficient cause. The instruction is entirely secular, all religious teaching being left to the free choice of the parents. The opening of the schools daily with prayer is a recognition of dependence and of obligation to the Author of every good and perfect gift, which most Protestants would desire to have further inculcated by the perusal of the sacred Scriptures. Much care is bestowed in imparting the kind of knowledge likely to be specially useful to working people. The specimens of writing, which I examined at random, fully justify the praise which has been given to the efficiency of that department. The principle of encouragement, with a free bestowment of rewards, appears to have superseded the necessity for any punishment beyond that of the deprivation of pleasures granted to all who have merited them by good conduct.

The rents charged are so low that the net return on the outlay which they yield, after all expenses are paid, does not exceed 3½ per cent., but the profits on the articles sold to the tenants, which is

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comparing the net returns from different piles of improved dwellings. The flat roof, available as an airing ground, advocated in the paper read in Edinburgh by Mr. Lewis Andrié, *Transactions*, 1863, p. 568, will be found both at the Streatham Street and at the Exhibition Model Houses, although in neither instance so applied, being simply a part of the fire-proof construction adopted in those buildings.

entirely at their option, and only for ready money, increase the total net return to 6 per cent. The founder of the Familistère contemplates giving each tenant the opportunity of becoming a shareholder, whereby his savings may be invested in the dwelling which he occupies, and he also has the intention of establishing a co-operative society, or association of the tenants for the sale of their ordinary articles of consumption. Conferences are held weekly with a view to enlighten the population on this subject, and a committee, composed of twelve members, chosen by the male population, is charged with the consideration and discussion of this question; whilst a committee of women, chosen amongst themselves, is occupied with those interests of the population which especially concern their own sex.

In Great Britain, as well as on the continent, the question has been often raised, and very conflicting opinions expressed, with regard to the comparative advantages of the two different systems, one of which has been adopted at Mulhouse and the other at Guise. The exclusive advocates of each system will probably find in both these examples something to strengthen their own opinions. I have long since arrived at the conclusion that local circumstances, the space of ground obtainable, and in some degree the habits of the people, should be well considered in order to ascertain which system is the best adapted to any given case.

Decimal Notation. By the Rev. John Ayre, M.A.

It is needless to occupy time in exhibiting the inconveniences that attend the ordinary mode of reckoning money in this country. They are felt by all classes. The operations of adding, subtracting, multiplying, dividing pounds, shillings, pence, and farthings are the dread of almost every child at school, and are in fact so complex that very many persons, having never thoroughly mastered them, are through their lives incapable of keeping their own accounts.

The reason is that no two denominations are the same multiple of the one respectively below them, and that in no one case is the multiple 10. A pound contains 20 shillings, a shilling 12 pence, a penny 4 farthings. Were there 10 farthings in a penny, 10 pence in a shilling, 10 shillings in a pound, any money calculations would be as simple and easy as operations with ordinary numbers.

The propriety of relieving ourselves from the inconvenience felt has been of late years repeatedly discussed. The subject has even attracted the attention of the Legislature; and recommendations have been made by a Select Committee of the House of Commons on decimal coinage, dated August 1, 1853. But the difficulty is to decide how best to make a change. A great derangement appears almost

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use. Similarly, in the United States of America, accounts are kept in dollars and cents, the dollar containing 100 cents.

Now let us see whether we cannot adopt some such system for our own purposes. Instead of working out our cash accounts in pounds, shillings, and pence, let us consent to reckon in *one* denomination and decimal parts of that. Let us take a value nearly equivalent to the French franc, to contain tenpence, which might be called a "tenpenny," a "ten," or "tenfold," or some other good significant English name. Then—

A sovereign, or pound, would contain 24 of these, and be marked	24
A half-sovereign	12
A crown	6
A half-crown	3
A florin	2·4
A shilling	1·2
A sixpence	·6
A penny	·1
A halfpenny	·05
A farthing	·025

Let any one try, and he will see that he can keep his accounts most comfortably in this way. The respective values of the coins now in use may be written down with as much facility as under the present system. It is not more inconvenient to write a guinea 25·2 than it is to write it £1 1*s.*; it is positively easier to write a half-crown 3. than 2*s.* 6*d.* Alteration in the coinage therefore is not necessary. And no prices would be interfered with. Bread might still be called eightpence three farthings a loaf; only, instead of the awkward fraction, 8¾*d.*, the price would be written ·875; butter might still be quoted at fifteenpence a pound, only this would be written 1·5, instead of 1*s.* 3*d.* We need no more disuse the term penny, than the French do that of sou; and fifty pounds would be as commonly spoken of here as fifty napoleons with them: only fifty pounds would be written 1200. People would still subscribe a guinea a year to a charity: only in the books it would be inscribed, as before said, 25·2; and the donor of ten guineas would have 252 opposite his name, the donor of a hundred 2520. Doubtless, eventually it would be said as often that a man had a salary of 12,000 tenfolds or tenpennies a year, as that he had 500 pounds—time would satisfactorily arrange all this. But no penny postages or penny tolls would be interfered with, neither would our English ears be offended, or our English heads puzzled, with outlandish cents and mils.

The superiority of the scheme proposed over the pound, florin, cent, and mil scale, may be further illustrated in a practice sum taken from Willich's "Tables," already referred to. The question is, what is the amount in a decimal currency of 957 lbs. of sugar at 5¼*d.* per lb.? Now, the 5¼*d.* cannot be accurately represented, and the result as given in the table assumes the awkward appearance of

£20.934 3750, *i.e.* 20 pounds, 9 florins, 3 cents, 4 mils $\frac{375}{1000}$. The operation on the plan advocated here would be simply 957 × .525 = 502·425, *i.e.* 502 tenpennies, fourpence, one farthing; and the value in pounds, if required, of 502 tenpennies would be found by dividing 502 by 24.

It is a mistake to imagine that for keeping decimal accounts decimal coins are necessary. Perhaps after a while, in order to make our coins the representatives of what may be called round sums, and the better to accustom the public to the change, a tenpenny and a two tenpenny piece might be substituted, the shilling and the florin being withdrawn; but this would be done by degrees, and only if called for by general convenience; while, as already explained, a change of coins is by no means required for a change of notation. And a tenpenny piece would not be altogether a novelty, such pieces being heretofore commonly used in Ireland.

It has been admitted that no such alteration can be made without a certain derangement: the operations necessary at first of transforming pounds into tenpennies and conversely tenpennies into pounds, may be tiresome. But it must be recollected that our present mode of reckoning cannot be got rid of *in any way* without temporary inconvenience, and that here it is only the notation that is altered, while, on the pound, florin, cent, and mil scheme, the values of things alter also. If the desirable result can be obtained by the slighter change, surely there is wisdom in preferring this.

As the notation proposed may be used with our present coinage, there is nothing to hinder its adoption by private individuals; and perhaps the practice of some eminent merchant might induce others to follow his example. But the step, to be speedily successful, must be taken by the government of the country; and it would be well if those who are persuaded of its feasibility and advantage would press the matter on the attention of persons in power. There is an additional reason why they might look upon it with favour. The propriety of assimilating the standards of the weights, measures, &c., of different countries has been acknowledged. If the proposed plan of monetary calculation were introduced into Great Britain, it would be so nearly identical with that of France that a *perfect* agreement between the two nations might in course of time be reasonably hoped for; and, if Great Britain and France were at one in their mode of reckoning money, perhaps the same system might afterwards obtain throughout Europe.

Be this, however, as it may, and be it that the varying circumstances of different nations might preclude such an agreement, yet the domestic advantages of a simpler reckoning are sufficiently apparent, and possibly that here suggested, expounded it is hoped in this short paper with sufficient clearness, might accomplish the desired object with less perplexity and greater accommodation to the public than could be attained by any other projected alteration. It is respectfully submitted to the judgment of those best competent to decide.

ECONOMY AND TRADE.

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In this Department are considered the various questions relating to Economics, Social, Political, and Commercial. The Department also collects information relating to production, manufacture, and trade.

SUMMARY OF PROCEEDINGS.

The following special questions were discussed in the Department:—

SECTION A.

1. Upon what conditions, and by what authorities, ought Licenses for the Sale of Alcoholic Liquors to be granted?
2. What Measures, legislative and other, should be adopted in order to supply better Dwellings to the Labouring Classes?
3. What means ought to be adopted for improving the Management of Workhouses?

SECTION B.

1. Does the Bank Charter Act need modification?
2. Is it expedient to adopt means for reducing the National Debt, and if so, what means?
3. What Improvements might be introduced into our existing system of Taxation?

In addition to the papers printed in the foregoing pages the following were read in the Department.

"On the Licensing system." By J. J, Stitt.
"Ditto" By Rev. J. Jones.
"The School, the Library, and the Liquor Traffic." By Rev. Dr. Gale.
"The Utilization of Railway Arches as Dwellings." By Barrow Emanuel.
"How are better dwellings for the Labouring and Poorer Classes to be provided?" By Thomas Worthington.

"On the extent to which Building Societies may aid in the Improvement of the Dwellings of the Poor." By T. Y. Strachan.
"The Treatment of aged and infirm Paupers." By C. P. Measor.
"On Taxation." By G. H. Smith.
"Ditto." By John Noble.
"Indirect Taxation." By Daniel Sheriff.
"The Currency of Great Britain, with suggestions for its amelioration." By Alfred V. Newton.
"The Commercial Crisis of 1866; its Cause, and Questions affecting the probability of similar recurrences." By James Innes.
"The late Monetary Panic." By John Mills.
"The Bank Charter Act." By Rigby Wason.
"Ditto." By George Anderson.
"Ditto." By M. Nunn.
"Working Men's Clubs and Institutes, in their Relation to the Upper Classes and to National Progress." By Rev. H. Solly.
"Recreative Amusement an agency in Social Reform." By James Airlie.
"Memoranda on the Development of Wholesale and Retail Trade in the Metropolis, and on the Causes of the Early Closing Movement." By Henry Walker.
"Jamaica, its Resources and how to develop them." By Charles Plummer.
"On Benefit Building Societies." By T. Y. Strachan.
"On Sick and Burial Clubs." By Hugh Caraker.
"Juvenile Emigration." By C. H. Bracebridge.
"The Credit System." By George Hurst.
"Famines in India; their Causes and Remedies." By Major-General Sir Arthur Cotton.
"On the Progress of Lancashire." By Henry Ashworth.
"The Principle of Exchange in Relation to Lock-Outs." By T. J. Dunning.
"On the recent Report of the Select Committee of the House of Commons, on Master and Servant." By Andrew Edgar, LL.D.
"On the Condition of Seamen." By Captain Henry Toynbee.
"On the Extension of the Suffrage to Women." By Barbara Bodichon.
"The Callings suitable to Women of the Middle Class." By L. L. Menzies.
"Servants' Clubs." By M. A. Baines.
"On the Occupation of small Allotments of Land by Agricultural Labourers." By George Hurst.
"Barrack Allotments." By Frederick Wilson.

THE LICENSING SYSTEM.

Upon what Conditions, and by what Authority, ought Licences for the Sale of Alcoholic Liquors to be granted?

In addition to the papers of Mr. Pope and Mr. Johnston, printed at pp. 609-615, papers on this question were read by Mr. J. J. Stitt, of Liverpool; the Rev. J. Jones, of Kirkdale; and the Rev. Dr. Gale.

Mr. J. J. Stitt gave a history of the licensing system and an explanation of the open practice adopted by the Liverpool magistrates. That system had been put into operation because the Act of Parliament only demanded the "fitness of the applicant and the premises," and the term "wants of the neighbourhood" was so elastic that it had led to a gross abuse of the discretion of the magistrates, and to the giving of licences in many places as a political favour. The result of the system in Liverpool had been to lead the magistrates to give their decision publicly, and their votes now took place in open court. The standard of respectability among the applicants had also been increased; character being made the grand security, the class of men who now applied for licences was altogether superior to those who applied before. The subsequent conduct of the successful applicants justified the granting of the magistrates' certificate, and comparatively rarely had those persons had to answer for any offences. Much of the outcry against the system had arisen from the supposition that a restriction of spirit shops meant a restriction of drinking habits. This was a great mistake, to establish which he need go no further than Manchester, where in sixteen years the number of licensed houses had only increased two, and the number of beerhouses had increased 658. Taking into account the population of the respective towns, there were more public-houses in Manchester than in Liverpool. The policy in Liverpool had greatly diminished beerhouses, which were far more disorderly and productive of vice than public-houses; and it was also a singular circumstance that the number of persons apprehended for drunkenness in that town during the last twelve months was 1,600 fewer than during the previous year. The open system had brought with it a more rigid application of penalties, and the enforcement of a clause of the Act which had not before been put into operation, under which penalties were inflicted up to £50, and houses closed for as long as two years. He thought the promoters of the United Kingdom Alliance were in advance of their age, and he feared their views were at present impracticable. He, however, thought that credit was due to them for educating the public mind. A Bill was being prepared by the Liverpool Town Council; and he thought that any measure on this subject ought to embrace the following points:—All persons complying with the conditions of the law ought to be entitled to a licence; the grounds of objection to a licence should be clearly limited and defined; all licences should be granted by magistrates; beerhouses should be abolished; there should be an increased charge for licences; a curtailment of the hours of sale, say at eleven

o'clock at night, and to open not before eight o'clock in the morning, and open only for an hour on Sunday; and there should be a scale of increasing penalties. The true remedy was to be found in the formation of sound public sentiment, which could only be established by education and religion.

The Rev. J. JONES explained that the measure of the United Kingdom Alliance did not at present carry with it the sympathy of the bulk of the middle and higher classes; that if a more moderate scheme could be passed into law at an earlier date, it would be politic and important to accept it; that the difficulty of the United Kingdom Alliance arose from the fact that that body wished to legislate with regard to alcohol as a poison and chemical agent, whereas it is viewed by the nation as a beverage; any scheme therefore which sought to deal with it as a beverage was more likely to succeed. The appropriate remedy would suggest itself by looking at the structure of the licensing system, which was a social one. Therein was its success to the trafficker, and its danger to the customer. The allurement of company in the house was therefore its potency for evil; hence they must destroy the social structure of the traffic. The wants of the community would be met by licensing hotels for *bonâ fide* travellers only; by licensing dining rooms and restaurants to consume on the premises between the hours of twelve at noon and six in the afternoon; shops might be licensed by the Excise for the sale of alcohol, but not to be consumed on the premises; such a measure to be adopted in any district when two to one of the householders agreed to ask for it. He believed that by such legislation two-thirds of the national drunkenness would be removed, and that the Permissive Bill might finally come in to effect a perfect cure.

The Rev. Dr. GALE, in a paper entitled "The School, the Library, and the Liquor Traffic," described the wide meaning of the term education, when understood in its proper sense, as embracing the bodily, intellectual, and spiritual training of a man for his duties in this life, and his destinies in eternity. For this end schools were established, in which children might be taught and trained; libraries were established that the adult might keep up and extend their knowledge; and churches were built that the souls of the people might be attended to. But unhappily the enormous amount spent in alcoholic drinks, which he calculated to amount to one-fourth of the total earnings of the working classes, counterbalanced these efforts for good. The influences of the school, the library, and the church were impeded and often neutralized by the liquor traffic; and the simplest and most efficient remedy yet propounded, involving no violent and convulsive change, fiscal or commercial, was to be found in the Permissive Bill of the United Kingdom Alliance, which had received the strong support of the working classes in all parts of the kingdom.

DISCUSSION.

Mr. J. H. RAPER said, for the first time in the history of the Association, the Council had made the licensing question one of the special subjects for discussion at its annual meeting. He thought the fact an encouraging sign of

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progress in regard to customs and laws which affected the discussions in every section of the Association. Mr. Stitt, whilst suggesting many improvements in the way of regulation of the sale of alcoholic liquors, had ventured upon the hazardous experiment of attempting to prove that increased facilities for the sale of these liquors were attended by a decrease of drunkenness and consequent crime. This was contrary to all experience; and in regard to Scotland, it had been shown in Mr. Johnston's paper that a diminution of facilities was the precursor of a large reduction in the consumption of intoxicating liquors. The Scotch facts were from a population of three millions, whilst Mr. Stitt's data proceeded from less than half a million. He (Mr. Stitt) had compared the recent policy of open trade with that pursued by the Manchester magistrates, and adduced the large number of beershops in Manchester as compared with Liverpool as a proof that it was unfavourable to the sobriety of the population; but he seemed to forget that these beershops existed in Manchester without the consent or permission—in fact, in spite of the justices or of the inhabitants. Their number could easily be reduced by adopting the Liverpool plan of making them into public-houses; but what would be the result? They would have two hours per day longer sale, and stronger liquors to sell. This would be followed by increased intemperance, on account of the augmented facilities. This was a necessary consequence, and it pointed to the reason of the difference of the number of apprehensions for drunkenness in Liverpool and Manchester. Though it was true, as had been stated by Mr. Stitt, that, according to population, there were as many public-houses and beershops in Manchester as in Liverpool, there were many thousand fewer persons apprehended for drunkenness every year. It was evident that whatever good had attended the recent action of the Liverpool magistrates, it must have proceeded from increased stringency in other respects, and not from the opening of the trade; and any benefits to be expected from the proposals which they now made would just be in proportion to the extent they limited the trade. Mr. Jones mistook the basis of the Alliance when he described it as a chemical one, on the ground that alcoholics were poisons and not beverages. The Alliance advocated the Permissive Prohibitory Bill on no such platform, neither did they in their proposal take the physiological argument. The preamble of the Bill was drawn solely on social premises. It ran thus:—

"Whereas the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, insanity, and premature death, whereby not only the individuals who give way to drinking habits are plunged into misery but grievous wrong is done to the persons and property of Her Majesty's subjects at large, and the public rates and taxes are greatly augmented; and whereas it is right and expedient to confer upon the ratepayers of cities, boroughs, parishes, and townships the power to prohibit such common sale as aforesaid.—Be it therefore enacted, &c."

It was evident that these allegations were incontrovertible; the only question was whether it was right and expedient to give the power necessary to remove the evils. Mr. Bazley, as a large employer, had built a small town or village. He had erected schools and a noble lecture-hall; but he had taken special care not to erect a public-house. Why? Because he believed that the farther it was off the better for his workpeople. Consistently with this wise conduct, he had supported the Bill which was to empower the inhabitants of any township to do, if they thought proper, what he had done as a proprietor. As all experience had proved the impossibility of satisfactorily regulating the liquor traffic, he supported the proposal—that in any amendments of the licences one condition should be included, enabling the people to prevent any licenses whatever from being granted when a great majority desired to be relieved of them and their consequence.

Mr. James Smith (Liverpool), who stated that he was the holder of a licence, said that no amount of benevolent intentions could remedy the evils that existed, unless they were in harmony with man's constitution and with the order of his development. He contended that the liquor traffic was perfectly legitimate. Was it not an industrial and commercial development of a natural want? Whatever ministered to man's pleasure was a boon not only to man individually but to society at large. The trade arose as naturally as that of the baker and shoemaker; no one could deny the right of any man to brew his own malt, and

if it was not wrong for the individual to do so for his gratification, it was not wrong for him to do so for the gratification of his fellow-creatures. It was said that it was immoral to get drunk; it was no less immoral to take one mouthful of meat more than the body absolutely required, or to put more clothes upon the back than decency or the warmth of the body demanded. A sheepskin would cover a person as well as silks or satins, and the liquor traffic was but a development after the same fashion and under the same laws as the development of the trade in silk or any article of costly apparel. For every man who abused the opportunity of taking drink, thousands received pleasure from it; yet all were to be debarred because of the faults of the few. To prevent one man injuring himself the extreme advocates of temperance would dwarf all men, they would prevent man's healthy and natural development, and the right of every man to use his capital as he thought best. The only true remedy for the evils of the system was an internal one; by means of education, by example—(and in that respect he must give teetotalers every credit)—and by teaching people that they must not abuse their opportunities. But it was said that in the case of alcoholic liquors the appetite for them increased, and it was not so in other things. That was not the fact; the appetite did increase for other things. The appetite grew for tea and coffee. There ought to be no more legislation for the sale of alcoholic liquors than for anything else. Let the evils come out naturally and normally, and avoid the imposition of conditions which would develope them abnormally. The close licensing system produced all the evils they complained of; let the trade be free, and it would regulate itself.

Mr. R. Dawbarn, J.P. (Wisbeach) said the French had a proverb, "The opportunity makes the thief," and he believed it. He therefore advocated that they should keep clear of everything that would tempt man to debase himself, and while he would not deny proper accommodation to travellers, the business should be kept within perfectly legitimate limits. He also suggested that brewers and those who were even collaterally affected by the beer or spirit traffic should abstain from sitting on the magisterial bench at the licensing sessions.

Dr. Edmunds (London) said that he had been a dresser in one of the great surgical hospitals in London, and half of the casualties that were brought into that institution were due to drink. In the dead-house it was found that every man and woman who died in immature life under the age of sixty presented traces in the internal organs due to alcohol; and he witnessed the dire effects of drink almost daily in the faces of his private patients. Alcohol had no claim to be ranked as either food or physic. He denied that a man had a right to invest his capital as he liked, or to carry on any trade he liked, without the restriction of the law. No man ought to be allowed to carry on a trade to the injury of his neighbour, and such arguments as Mr. Smith's would apply to the sale of arsenic, to poisons of all descriptions, and to the opening of houses, the character of which could be understood without naming. He denied, also, that man's appetite ought to be ministered to. What did intoxicating liquors really do? Their action was to benumb the nervous sensibilities of the body; they did not prevent a man from suffering. It was an established fact in the Russian armies that when soldiers marching in the extreme north had been drinking arrack in the morning, they returned home in the evening frost-bitten; and in order to avoid those consequences a corporal was detached to smell the men's mouths all round the regiment. The arrack merely prevented the men from feeling the cold; it did not prevent them from being injured by it. The human system treated alcohol as an intruder; it did not pass into and through the system like food, and the system did not so treat it.

Mr. Oliphant Ferguson thought the permissive principle would be best tried first by town councils in a few places, and if it worked well, other towns and districts would speedily adopt it. When a publican was convicted of an offence, his licence ought to be taken away; the magistrates should have no option in the matter.

General Neal Dow said he was amused to find some of the gentlemen who had spoken were still in the early stages of this question, through which they had long ago passed in the United States. Some appeared to think there was a danger of going too fast or too far. Most of these discussions were based upon the

idea that the traffic in intoxicating drinks was useful and necessary, and that the traffickers had a vested interest in it. He held that the general good should be considered, and not individual interests. It was thought a hardship by some men that they were refused licences; how much greater was the hardship to the public who were obliged to endure licences at all? He believed the drink traffic to be an unmitigated curse, everyhow and everywhere; that evil grew out of it to everybody, and good to nobody. It seemed to him a very reasonable request that the people should be allowed to say what their wants were in this matter, because the magistrates did not grant their licences on their own account, but for the supposed accommodation of the public. When the public was ahead of the law, the law would have to be altered. This was the object of the agitation upon this question in England—to enlighten and form public opinion. He had heard it objected that the Permissive Bill was before its time, but a public opinion was being created which would in time put down the traffic in intoxicating drinks.

The Rev. WILLIAM ARTHUR, M.A., President of the Wesleyan Conference, said the most powerful, widely extended, and prosperous of our institutions was the public-house. He believed it was the most celebrated institution in Europe. He had travelled, and seen a good deal, but he had seen nothing so bad as the English public-house. The main point seemed to be by what authority ought these licences to be granted; one party said by the magistrates, another by the ratepayers, and a third by human nature. He thought the last argument, if only by its frankness, would do some good. Any man who would take the results of the public-house system, as based upon human nature, would stand in the presence of an array of human nature that would appal himself. The whole trade was an exceptional one, and the effects of the drink physically and socially were exceptional. Lord Brougham had said that morning that drunkenness aggravated an offence. He agreed with that opinion, and thought that (to adapt a term from theology) jurists might say that a man who made himself drunk came under the condemnation of "prevenient guilt." He was ready to co-operate with any party, moderate or extreme. He looked upon the condition of our country as so humiliating in this point of view, that anything which stirred the public mind, anything that brought out healthy feeling such as was now manifested in relation to it, must ultimately be a great blessing. As to the matter of liberty, he felt that it required very delicate handling; but after all, if two-thirds of a parish thought they would be better without the public-houses, he did not think there was any great violation of liberty in allowing them in such a situation to say to the other third, "If you will have the public-house, you must go out of the parish for it."

Dr. MARTIN denied the assertion of Mr. Smith that the appetite for intoxicating drink was natural. He thought that the condition of Liverpool was utterly shocking; but on the other hand, he did not agree with the programme of the United Kingdom Alliance; it was too far in advance of public opinion. He greatly preferred the system recommended in the paper that had been read by Mr. Jones.

The Rev. Dr. EMERTON thought that licences ought to be granted according to the decision and opinion of the majority of the parish. He had lost all faith in the restraining power of the magistrates over disorderly houses. He would place the veto power confidently in the hands of the people.

Mr. GALLOWAY (London) suggested that Mr. Pope and other legal gentlemen should examine the statutes, for he was satisfied there were existing laws which would, if enforced, materially counteract the evils under which society now suffered in this particular.

Mr. STITT denied having said that the multiplication of public-houses caused an increase of temperance. Coincident with the multiplication of public-houses there had been a decrease of beer-houses, and the law with regard to the latter had been more strictly carried out. Since what he might call the revived clause in the Act of William IV. had been brought into operation, 40 to 50 of the worst beer-houses in Liverpool had been closed.

Mr. RAPER wished it to be distinctly understood that the United Kingdom Alliance regarded with satisfaction any limitation of the liquor traffic. They fully believed that supply created demand in this case; and as are the facilities

so are the evil results; and, as a consequence, they looked with great interest upon the efforts of Mr. Stitt and his brother magistrates in their movements towards a new Act, which would limit the sale; but they were profoundly convinced that after they had secured all that had hitherto been suggested or proposed, they would find much drinking and drunkenness, with all the train of evil consequences. They had ample evidence of this in Scotland. Notwithstanding the great good which had resulted from the Forbes Mackenzie Act—and he (Mr. Raper) spoke from personal observation of its great benefits to the people—there was still an appalling amount of drunkenness. They had in Scotland no Beer Act to curse them, and they prohibited the sale from eleven at night until eight next morning, and all day on Sundays; yet in Glasgow alone last year about 28,000 apprehensions of drunk, and drunk and incapable cases took place. With such facts before them, the Council of the Alliance were not likely to come forward with any licensing scheme. They left that work for those who still believed in regulating such an uncontrollable traffic. They would not hinder others from doing what they deemed best; but they would try to accomplish what had been distinctly set forth in the paper which they had, through their honorary secretary, Mr. Pope, laid before the section. The Alliance would continue its demand on behalf of the people, and whether that demand was responded to by a separate Act, or by clauses in a general Act, was a matter of indifference. Of the necessity for, and the justice of, the demand there was a daily increasing conviction in the public mind, and this encouraged them to prosecute their work with increasing ardour.

The CHAIRMAN said it had been his duty to act on several occasions at Lancaster, Manchester, and Liverpool as foreman of the grand jury. On one occasion he was so deeply impressed, and so were several of his brother magistrates, with the enormous amount of flagrant, brutal crime brought before them, and attributed to the influence of intoxicating drinks upon brutal natures, that they had made a presentment expressing in emphatic terms the very sentiment which fell from Mr. Arthur, that there was a sort of prevenient guilt in the influence of intoxicating liquors which ought to be dealt with by the law. They made some suggestions—that intoxication, as a source of crime, ought to be treated with much more rigour, even as a misdemeanour, and that the consequences should be visited not merely on the individual offending, but much more rigorously on the house in which the intoxicating liquors had been sold to that individual; and that it should be obligatory on the part of the authorities to withdraw the licences after a few repeated convictions. No one could sit as foreman of a grand jury, having his thoughts polluted, as it were, with the abomination of horrible crimes committed under the influence of drink in the low parts, not so much of Manchester, but amongst the scum of the population of Liverpool, in the foul haunts of beastiality, where life was sacrificed through the irritability of feeling brought about by strong drink; no man could listen to the evidence brought before a grand jury without coming to the conviction that the legislature had to a great extent neglected its duty in the repression of what was to so very great an extent a source of crime. He was glad to see that the United Kingdom Alliance, to whose labours he attached the utmost importance, did not preclude or discourage measures of a less extensive character than their own particular Bill, but that they looked forward to the adoption of more moderate schemes as so many steps in furtherance of their own. Though there was a wide difference of opinion on this subject, there was a ripening of public opinion, and nothing could be more disgraceful than that any member of Parliament or candidate for that position should tamper with the question for the sake of obtaining the support of the licensed victuallers. To sacrifice his convictions for the sake of having the support of that powerful body was only another form of that tampering with public principle which found its expression in bribes. It was another form of political immorality, and the more it could be put down the better would it be for the public.

Mr. RAPER proposed the following resolution: That the interests of the country call loudly upon the legislature to pass a general measure amending the laws regulating the sale of intoxicating liquors; and we therefore respectfully request the general council of the Association to consider the propriety of memorialising

the Government to insert clauses in any measure amending the licence laws enabling the inhabitants of townships and parishes entirely to prohibit the granting or renewing of licences whenever a large majority of the inhabitants so desire.

The Rev. J. V. SHREWSBURY seconded the motion.

Mr. GRINDLEY proposed an amendment limiting restriction to the hours of sale, and a modification of the Beer Bill.

The amendment was negatived, and the resolution adopted by a large majority.

THE DWELLINGS OF THE WORKING CLASSES.

What Measures, legislative and other, should be adopted in order to supply better Dwellings for the Working Classes?

IN addition to the papers by Mr. Beggs and Miss Octavia Hill, which will be found at pp. 619-625, papers were read by Mr. Barrow Emanuel, of London, and Mr. Thomas Worthington, of Manchester.

Mr. EMANUEL stated that one of the chief causes of the present scarcity of any kind of dwellings for the working classes was the metropolitan engineering works, and notably railway extensions. From this latter cause alone 20,000 people had already been evicted. The true remedy lay in making the cause of this evil the means of its removal. If, therefore, it were possible that the railway companies should find room for the same number that they eject, one chief cause of the evil would be at once removed. To compel them by direct legislative interference to do this would be impracticable; it had already been attempted and had failed. Other means must be taken; and he suggested a course by which the companies would largely increase their revenues and the poor be simultaneously well housed. This was by utilising many hundreds of railway arches, in the neighbourhood of London and other great cities, as dwelling-houses. In each ordinary-sized arch a double tenement, consisting of six rooms, could be constructed; and while these would thus house several thousands, the railway companies would return themselves a rental profit on property which was now wholly unoccupied and unproductive. The objections that might be urged against the occupation of arches as living-rooms were stated by the author. Those first suggesting themselves—the nuisance of smoke from the chimneys to the passengers, and noise to the occupants themselves, were stated to be groundless,—an opinion formed on the experience of a very few arches that had already been so utilised. The only practical difficulty seemed to be an objection on the part of railway companies to grant sufficiently long leases, which would prevent an outlay of capital in fitting up the arches. To obviate this, he proposed to bind the companies in future to pay compensation *pro rata* to the tenants of those dwellings in case of summary eviction. An association was contemplated to try the experiment, by taking a few arches and adapting them. If the trial proved successful in a financial and sanitary point of view, he proposed that compulsory clauses should be

inserted in future Railway Acts, by which the companies should be compelled to accommodate, by the utilisation of their arches, at least a proportion of the whole number of the poor whom they evicted.

Mr. WORTHINGTON read an elaborate paper, in which he described the great need of fit dwellings for the people, and their consequent misery—produced especially by evictions made for the space required by railways and other public works. He gave an account of the objects and operations of the Society for Improving the Condition of the Labouring Classes, and of the Metropolitan Association for Improving the Dwellings of the Industrial Classes.* He also alluded to the buildings erected by Miss Burdett Coutts, the Peabody Trustees, the Corporation of London, Mr. Alderman Waterlow, and the Improved Industrial Dwellings' Company Limited; and in the provinces by Mr. Titus Salt, Mr. John Crossley, and others. He also described the Familistery at Guise.† After alluding to the Act (29 Vict., cap. 28) which now enables the Loan Commissioners to advance loans to corporations, societies, &c., who build dwellings for the industrial classes, and to the great result produced by co-operative enterprise for other objects, Mr. Worthington said, in conclusion, that the question seemed to him to resolve itself into the following points:—

That the dwellings of a large portion of the labouring classes are such as to render it all but impossible for them to maintain the common decencies of life; that the demand for additional dwellings is urgent and imperative; that experimental buildings have clearly proved that the labouring classes gladly avail themselves of such opportunities of improving their condition; that such buildings have produced dividends equal to those of most railway companies; and that in one instance, where a considerable capital had been invested, it is believed that a dividend of 6½ per cent. may be steadily maintained, so that with the aid of the new government loan, the desired profit may rise to 7 or 8 per cent.; that as a considerable number of working men must live in towns—where the value of land is high—it will probably become general on urban sites to build blocks of dwellings, of many stories, planned on economical principles, with frontal roofs for recreation and play-ground, with external galleries to save house duty—and, in some situations, shops may beneficially occupy the ground floor; that suburban villages for such working men as can live out of towns, may with advantage be established in suitable situations on lines of railway, or otherwise; that owing to the increasing scarcity of sites for urban dwellings, and for other obvious sanitary considerations, it is exceedingly desirable—as far as practicable—that manufacturing establishments should be removed from the great towns to situations where land is of less value, and that employers of labour should build in connection with them dwellings of good construction for their work-people, as in the case of Saltaire; that large employers of labour might, on the principle adopted by Mr. Akroyd and Mr. Crossley, give facilities to their workpeople to

* *Transactions*, 1858, p. 583. † *Transactions*, 1865, p. 459.

obtain good dwellings for themselves on advantageous terms, by the aid of building societies, or on the plan adopted by the manufacturers of Mulhouse; that, on the co-operative principle, the large savings of the working classes now invested at 2½ per cent. in the funds, might be employed far more profitably in the erection of such establishments as the Familistery at Guise; the money deposited in savings' banks, amounting to an aggregate of little less than forty millions, might—if judiciously laid out—provide healthy and comfortable houses for nearly all the working men in the kingdom; and that every other facility, means, or agency, which can be suggested, should be made available to promote the erection of well-arranged and well-constructed dwellings for the labouring classes.

DISCUSSION.

Earl of SHAFTESBURY, K.G.: Mr. Begg seems to have confounded the two Acts, the Common Lodging House Act and the Lodging House Act; the former related to the regulation of lodgers in all the country, and the latter was a pure experiment, a tentative measure to give the authorities power to mortgage the buildings by a sum of money payable in thirty years. It does so happen that that experiment has been taken advantage of in only one instance, that of Huddersfield, and it is a most admirable instance, producing the best moral and physical effects. Now, it seems to me, that your difficulty in providing houses for the working classes, is not so great, when you come to deal with the skilled artizan, or the man whose wages vary from 25*s.* to 40*s.* per week. He can in a great measure take care of himself, and knowing that he has so large a sum for wages, a number of persons build houses, feeling sure that he will pay a remunerative rent. In the great towns he can live in the environs, and go to his work in the penny train, pay the rent before the time, and he has his fixed hours and place of work. For that class of persons, houses are rapidly growing up; but the great difficulty lies in the prevention of demoralisation among the large mass of working people who have no fixed place of work, and fixed hours, and fixed wages, of whom there are hundreds of thousands in London, hanging about the streets and the docks waiting for a job. These people must be on the scene of their work; they cannot afford to go to and from it, at any distance, and they can only afford a small pittance for their lodgings. When you construct houses for these people, you are driven to an experiment, which forces you to demand a rent even beyond their competency, and of all the lodging houses in London, there is not one set of apartments containing two bed rooms for which they can pay a less rent than 3*s.* 6*d.* a week; and even at that charge, the most favourable result on the outlay gives only 5 or 5½ per cent., with the minutest care and supervision. How can you expect these persons whose earnings are uncertain, and at the utmost can never exceed 12*s.* 18*s.* or 14*s.* a week, to pay permanently 3*s.* 6*d.* a week? That is the great difficulty we have to contend with. Even the model lodging-houses which have done so much good are not what they ought to be. They are all extremely contracted in dimensions, low, and wholly unfit for a large family. In some of the blocks of that class of houses there are but two bed rooms with thoroughfares through them, and it is impossible with decency and comfort and health to occupy them, except by a man and his wife, and a young family. I do not know how they can be remedied, for the expense of house property in London is so great, that even the skilled artizan cannot afford to pay it. The great cost of land in London is one of the difficulties of this question, added to which there are increasing elements of expense in the wages of the masons, carpenters, and bricklayers; in fact, so high are these things that the cost of building at this moment, is in wages alone 25 per cent. greater than it was three or four years ago. Go from the town to the country, and the land is not very expensive, but you have other expenses which are still very high. I have no end of letters from architects and persons busy in this matter, who kindly send me all sorts of plans of houses, some to cost £200,

and some £120, and the things look all very well according to the specifications, but few of these people know sufficient of the cost of materials, according to the altered circumstance of situation. I will give you some of my own experience in this matter. I have a part of my estate within three minutes walk of a brick-field, and were I to build in another part of my estate, I should have to haul my bricks about fifteen miles. Again, I have undertaken to build a pair of cottages which were required in one part of my estate, and they are to be according to specifications, which give to each house three bed rooms, a number which I think every cottage ought to have. There ought to be a bed room for the parents, another for the boys, and another for the girls, with front kitchen, back kitchen, and all the appurtenances necessary for a small household, not forgetting in your considerations that the families of the occupants may be enlarged. I take it that such a pair of cottages as these may be built for £320 a pair: what return ought I to have? You would, perhaps, say £25, or certainly £21 a year for the two. What do I get? Why not more than £5. If you have to raise money for the construction of such houses, you do so at a cost of six or seven per cent., and in return you get less than two per cent.; what wonder then that people should be daunted by the expense? You will say that all this relates to the country, but the condition of the agricultural labourer is much the condition of the stray labourer in the town, who gets from 13*s.* to 15*s.* a week. How is it possible, until we find some means of construction that will be at a much cheaper rate than the present, that we can find for the thousands, almost the millions a better domiciliary provision? If we are to construct rooms for which working people can pay 1*s.* 6*d.* or 2*s.* a week, it is true you would give them a clean room to the extent of 1*s.* 6*d.* a week, but you would be condemning them to live in single rooms and perpetuate the grossest abominations which would affect the health, decency, comfort, and everything which constitutes the dignity of the working people. There is another thing with respect to London. I do not think you will be able to get a great number of persons willingly to go out of town. Suburban villages may be turned to good account. I will not speak a single word to their disparagement, for we must exhaust every remedy that seems reasonable; they might be of value to intercept the 40,000 or 50,000 who are annually coming into London. If you wish to remove the people out of London when you once get them there, you will find it a great difficulty. I have been astonished at some of the business-like answers of the women on this subject; a great number of the men will give you no answer when you speak to them, but the women say "here we are, we have formed our acquaintances, we are living amid a population who want our services, but if we go into these suburban villages we shall be all on a dead level, nobody will want charwomen in the place, or extra assistance in their households, which after all is a great means of helping us with our families." That is a very sensible answer. Now what we want is, that some remedy shall be devised for providing suitable homes for that large class of the population who have no fixed house, or place of work, who live from hand to mouth, making 12*s.* or 13*s.* a week, and who cannot afford to pay more than 1*s.* or 1*s.* 6*d.* a week for their lodgings. That is the great difficulty to which the attention of this section should be directed.

Mr. McCullagh Torrens M.P.: As the chairman of the Select Committee of the House of Commons reported favourably of my Bill after three months deliberation, it is hardly necessary for me to plead for its leading principles. We are all too weary of the inherent difficulties of the subject not to be desirous of the support of an Association like this, and though I am here to defend our proposed measure in its essential principles, Mr. Beggs misleads you if he supposes that we are desirous that this measure of ours should specially and alone pass in preference to others. All we wish is that the legislature, supported by an intelligent public opinion, should do the best that can be done under the circumstances, taking as much or as little of this measure as they think fit. Now all that has been tried hitherto has failed to remove the misery, crime, and degradation that are a disgrace to us as a people, and looking to the experience of the past, the broad fact presents itself, that if you want to rescue the people from their present condition you must adopt the compulsory plan; if you do not do that you merely shirk the question. The Bill prepared by the Association proposes to

give to the Secretary of State the right of deciding what houses shall be taken by compulsion and be pulled down, and what further power shall be given for their rebuilding. Our Bill does nothing of the kind. If Mr. Beggs had done us the favour of reading it he would have found that what we ask is the interference of the legislature to enable the ratepayers, when the local authorities are negligent of their duties, to call upon the officers of health to act in accordance with their views. If their parishes are overcrowded and there is no escape for the people, and they are willing to tax themselves to take property that is unfit for habitation, and rebuild it with money borrowed at the rate of 3½ per cent from the Treasury and secured on the buildings, with an arrangement to be subsequently repaid, are you going to say that they shall not have the opportunity of doing so if they feel that they require it? Our Bill is compulsory because it compels the local authorities to do their duty. The government interference that we seek for is solely that of aid, not of direction, or of jobbing, and the number of officers that Mr. Beggs supposes it will create exists only in his own mind. The only appointment contemplated by my Bill is that if any local body refuses to appoint an officer of health, that is, in fact, to put on its humane spectacles, it shall be compulsory for it to do so. That is the only instance of a new appointment. Now I appeal to you to judge between their plan and ours, whether ours is not more free from government interference then theirs. We desire, I assure you, that between this and the meeting of parliament, the fullest discussion shall take place. This Bill if passed would compel every local authority to hold itself morally and socially responsible for the existence of fever nests, or else to pull them down and replace them by buildings for the erection of which the government have already undertaken to lend money. What we really seek to do is to use the power of the legislature to give you the machinery by which if the corporate authority shall fail to do its duty, you living under their rule shall be enabled to compel them to do their duty by invoking the provisions of this measure. We ask you only to be enabled to do for yourselves what was done in old times, the principle of which was, that it was the duty of men living in a city or town to care for the health, comfort, and wants of the inhabitants of all classes not as a matter of benevolence but as a matter of direct self interest; for we have satisfied ourselves, and you will approve of our conviction, that it is our interest as middle class people to have the health of our towns' poor improved; that degradation, demoralisation, and death, should not hold their revel amongst those who live by labour, and that we should do to others that which we should wish them to do to us if we were in reverse positions. We go for a compulsory measure because we believe no other will succeed, and because the Bill proposed by the Association will leave everything permissive.

Mr. Edwin Chadwick, C.B.: I think that a great deal of the cost of dwelling-houses now-a-days is to be attributed to fixed building regulations, and fixed habits on the part of builders and architects. In going over districts visited by fever many years ago, it always appeared to me that principles of construction—especially as regarded materials—were a great source of evil. In building cheap houses the worst bricks—which are very absorbent—are invariably used, and though the occupants may be turned out in order that the house should be cleansed, it frequently happens that when a fresh population takes possession of the tenements, the fever re-appears. Some time ago an effort was made to improve that state of things, by suggesting the erection of structures with hollow bricks of good quality—a system which it was thought would produce a wholesome wall at half the ordinary price. On presenting that scheme to a large builder—none other than Mr. Thomas Cubitt—his reply was: "If I use this form of bricks my men will strike, and, in the next place, I shall have all the trouble of this new introduction; and when I have shown how cheap it will be, others will follow the example, and I shall have no profit for my pains." Some of us tried another experiment—that of concrete constructions, and we found that a wall might be made of concrete, having a proportion of cement, at one-half the price of brick constructions; and we had also different dimensions of walls to those now adopted. The Peabody and Miss Coutts's experiments only pay 3½ per cent., but Alderman Waterlow's experiment realises more; and he has adopted somewhat of this concrete principle in his partition walls, by which he gets a better article 25 per cent.

cheaper than the ordinary construction. I believe that if this principle was carried throughout in the Waterlow buildings, the cost might be so reduced, as well as improved in quality, that instead of 5 per cent. they might be made to pay 7 per cent.; I have got very valuable estimates which show that 7 per cent. is available. If we can secure that, we bring the thing very largely within reach of a commercial supply. Some plans and estimates for buildings of the character that I have advocated were a short time ago submitted to the French Emperor; he saw the economy and the improvement in quality, and submitted the scheme to his architect—and he has ordered some forty tenements of this description and principle to be used. Some of the same kind might be adopted here; and I protest against the assumption than the present qualities and prices are the normal and inevitable condition. Why, I believe that economy and improvement might be carried even further than I have hinted; and in London I think that these dwellings may certainly be made to pay 7 per cent.

Sir CHRISTOPHER RAWLINSON: As one coming from the country, I think I may say that we have greater difficulty in finding proper dwellings for our labourers in the country than you have in the towns. In the town you have a concentrated population, and bodies of men receiving double and treble what is paid in the country; and the work-people have the advantage of such combinations as building societies. In the southern agricultural districts, to which I belong, the population is scattered far and wide, and their wages are incredibly low—I heard Lord Shaftesbury speaking of a somewhat fabulous sum of 15*s.* a week. How does that sum compare with what is paid in Essex, Hampshire, Wiltshire, and Dorset! The labourers there are totally unable to meet this difficulty—whose duty, then, is it to build dwellings for these men who till the soil? Frequently, in the south, I find cottagers living three miles from their work, and in taking their land, farmers are so anxious to secure it, that they seldom, if ever, consider how far their labourers will have to walk—though in some cases it may be six miles a day—forgetting what exhaustion such a walk will cause them. I myself had to let a farm lately, and the applicant never asked about the labourers' cottages. When you come to consider that a fairly skilled labourer will not get more than 10*s.* or 12*s.* a week, one cannot but think that the duty in this matter lies with the landlord. The labourers cannot do anything themselves; for they can scarcely save a single shilling out of what they receive. I have myself taken the trouble of building a few cottages, and on what I think to be a good model, with a porch-entrance, over which I carry a bedroom. These stand in a garden of about a quarter of an acre, supplied with trees by the former owners of the land, and these buildings pay me £5 a year, on an outlay of £125. I admit that the garden, perhaps, pays half the rent; it may also be that I have to deal with a better class of labourers, but be that as it may, landowners, I think, ought to do their duty. With regard to the question of towns, I think that the Bill abvocated by Mr. Torrens will fall almost a *brutum fulmen*, as the Act of Lord Shaftesbury did. I know the difficulties that we have in counties of getting a rate of 2*d.* in the pound, and the still greater difficulty of getting a rate in towns for such important reforms as abolishing of cesspools, and improving drainage. There is also this fact to be remembered, that the rate which the authorities may levy will, after all, be paid by the tenant—and if it were not, property owners would not consent to tax themselves. I concur with Mr. Beggs as to the general effect of Acts of this kind.

Mr. HENRY ASHWORTH: In this part of the country, we have no need of benevolence or constraint for the purpose of providing houses for those who labour for their living. I have had a little experience of my own, and what I have done others have done—and very likely with more success. The matter of cottages in large towns is intimately connected with the matter of wages; if the people had adequate wages, you might trust to them finding themselves comfortable accommodation at home. I will tell you my experience. I happen to be an employer of labour about twelve miles from here, and have to provide houses for a great portion of those whom I employ. Those houses consist of three sleeping rooms, and three living-rooms below; and I find that if you once get working men into good houses, they will keep in that class of houses so long as they can afford it. [The Chairman: What profit did they yield?] The charge for the land is

about a penny a yard. [The Chairman: Less than half the usual price?] And they cost about £125 or £130 each—yielding a profit of 6½ per cent. [Mr. Torrens, M.P.: How much per acre do you pay for the land?] About £100. [Mr. Torrens: In London it is as much as £2,000 per acre.] I consider that it is a sound principle not to support this kind of house, either by benevolence or constraint, or that they should be supplied at less than a fair value. If anything is wanted it is to improve the condition of the people by giving them more wages, and not by letting them live rent free.

Professor GAIRDNER, M.D.: In Glasgow we have all the difficulties alluded to by Lord Shaftesbury, except perhaps one, namely, the cost of land in that city is not equal to the cost in London. Of a population of 85,000 householders, 30,000 or 35,000 belong to a class who are most dangerous in a sanitary point of view. We have absolutely at this moment 15,000 of those houses under police regulations, and the list might be increased with advantage by 10,000 more. We have to deal with a large proportion of poor people, and instead of houses having at the most two or three stories and five or six families, there are houses in some cases of six, seven, or eight stories, connected by means of long, dark, ill-ventilated passages, and with as many as a dozen families on one floor. The evils are further complicated by the fact that these houses, which formerly belonged to respectable people, are now split up into a multitude of proprietors, as well as tenants. All these difficulties appeared to the Glasgow corporation of such magnitude, and so utterly incapable of being dealt with on any principle of voluntary co-operation or investment, that last session they applied for an Act to enable them to cut to the root of some of these evils in the worst parts of the city. The Lord Provost and the master of works devised a plan by which new streets could be cut out, and whole blocks of buildings removed at once. The scheme will cost the corporation about £1,250,000, the expenditure of which will perhaps run over ten years, but they will probably be able to recover a considerable proportion of that sum when the new houses are built. The Bill had the unanimous support of the corporation, and it practically passed without opposition. There is one important limitation in it which may probably be deemed a little obstructive, but which will nevertheless be for the public good. It provides that not more than 500 people shall be removed by one operation, without satisfying the sheriff that there are houses for those 500 somewhere or other. I should like to make the suggestion that any measure which may be passed should give us medical officers of health power to say, in reference to large tenements or blocks of buildings, that when fever or any other contagious disease has been raging in them, the proprietor shall not admit a new tenant until he satisfies the officers of health that the disease or fever is out of the building. Legal friends might say that this is confiscation; it is simply enforcing the duties that appertain to property; and, as to the necessity of such a step, I may tell you that I know houses in Glasgow where fever has raged almost continuously for as long as three years.

Mr. GEORGE GODWIN: It is desirable that many of the suggestions that have been made to-day should receive attention. That made by Mr. Emanuel ought to receive the very serious consideration of railway companies. Though some may object to railway arches as dwelling-houses, because of the vibration; if arches were constructed with a view to occupation they might remedy existing evils to a very considerable extent. In the same way I think attention should be directed to the suggestion of Mr. Chadwick—the cheapness and healthiness of some known absorbent material. I myself have urged the use of concrete for some time. So, too, with regard to suburban villages, for I am satisfied that there are large numbers of working men and women in London and large towns who would gladly take advantage of cheap railway trains, to get to their houses just outside the town. But more than providing houses must be done. Education is greatly needed. These people live in a low condition of health. I have been in some houses in this wealthy city of Manchester which are a disgrace to civilisation. Anything more frightful can scarcely be imagined, and I have seen a great deal. With respect to Mr. Torrens's Bill, the objection seems to be that it would not be carried out. Well, I think it might; but if it does not go far enough let it go further. I should be anxious that Mr. Torrens should be assured

by the expressions that he may hear to-day of the willingness of the public to support any measure having for its tendency the removal of these dens, and substituting decent houses, where morality and health may at any rate be possible.

Dr. W. A. Greenhill (Hastings): I found in the course of my experience that generally speaking cholera attacked the person living in the courts of which this section is complaining, and I came to the conclusion that the best way to remedy the evil would be to get possession of the houses, purify them, and take as tenants decent and respectable people. Accordingly, a considerable time since ten gentlemen tried that plan, but they made this great mistake, the experiment was conducted at such a cost that it could not be imitated elsewhere; they however, did a great deal of good. Again, ten years ago, after being satisfied that the same plan might be adopted with modifications, we began with a small and very similar scheme in the town of Hastings. The plan was somewhat like that of Miss Hill's, and we commenced by raising and investing about £850. We began by buying existing property, and we did it for these two reasons: first because I wished to purify the foul courts where fever existed; and, secondly, because previous experience showed that it might be made the most profitable mode of proceeding. We went on buying houses, not fixing our eyes upon a particular spot, and buying at an enormous price; we rather bought property that came into the market at a fair market price, and the result has been that we have never paid less than 5 per cent. At the first we made a miscalculation by paying 6 per cent., forgetful that expenses of old property would increase; but when we reduced the dividend to 5 per cent. the scheme was a success. Latterly we have begun building new houses, but they have not paid so well as the old ones. Some of our friends asked us to try the same plan in London, and the experiment was adopted there, and has been in use nearly six years, with the same result; buying some of the worst properties we can find near the docks, Lambeth, and other places, at a fair price, purifying the houses, turning out the tenants if they were bad ones, keeping them if they behaved decently, and thus doing good not only to the property but to the tenants also. The result has been satisfactory. The Hastings Society is now the largest out of London, having £17,000 capital; that in London has a capital of £25,000, increasing slowly, and likely to be much more. I am inclined to think that the government loan will be extremely useful to many societies in the kingdom. Why should there not be three or four societies formed in Manchester, some for building and some for renovating? I think they would have every prospect of success.

Mr. H. W. Rumsey (Cheltenham): The great difficulty of this question to my mind is, how to supply the people with the first necessary of life, the air we breathe. It is not merely contaminated by overcrowding in particular houses or rooms in these crowded courts, but it is also vitiated by an undue aggregation of the population in certain districts of the large towns. The physiologist and the sanitary reformer know, and Dr. Gairdner could tell us of the immense injury done to air by an undue number of persons living in a certain space. If you have too many persons on the site, do what you will with regard to the tenements, the health of the inhabitants will suffer. You must, therefore, not only provide better houses, but procure the necessary powers for distributing those houses over larger areas of land. I am not in the habit of appealing to death-rates, but in proportion to the density of population so *cæteris paribus* is the mortality. The most striking example is Liverpool, where the death-rate is frightful, and the density of population is higher than in any town in England. I think that the best and most permanent improvement we can make is not merely to pull down some of the worst houses in London and other crowded cities and to build enormous structures in their place, so long as you compel an undue number of persons to breathe a deteriorated and impure air. It is not only the black clouds of smoke, or even the sulphurous fumes and other chemical impurities of our atmosphere that destroy life, but it is to a still greater extent the exhalations and emanations from human bodies that cause the evil. An excess of organic matter, living or dead, removes the oxone, or neutralizes its beneficial action. Whatever you do by public, private, or associated effort, you should lay at the foundation of it some measure by which the areas of habitations may be extended. Mr. Torrens's Bill only applies to places where the necessary authorities exist, and where the aggregation or condensation of the popula-

tion is in excess. In that measure he proposed that the density of the population should not be diminished, and the fact that in the reformed structures accommodation was to be found for as great a number as before lived on that spot is to my mind a fatal objection to the measure. The evil of which I am now speaking reaches its climax in what are called model lodging-houses. The present death rate is not to be taken as the slightest evidence of the ultimate effect of this new method of packing the masses, for the inhabitants of these blocks include at first the best portions of the population. Wait twenty or thirty years and see what will be the result; the death-rate will probably increase; therefore banish from your minds, in considering the effects of these lodging-house blocks on health, any calculation of death-rates. The best buildings of that character that have been erected in London are those by Mr. Peabody's trustees, but they bring 625 persons on an acre, which is nearly sevenfold the density of population which exists in Liverpool, where there are ninety-five on an acre. I caution the promoters of these schemes against the adoption of such measures. There is a way of escape—the suburban settlement and the penny train. This remedy will not apply to all working people, but Lord Shaftesbury underrates the proportion of town populations to which it will apply. In these large northern towns two-thirds of the working population have settled work, and they might fairly be supposed to be willing to accept the facilities offered by cheap railways. Legal powers should be given to construct economical lines of railway for the purpose. Another objection is the difficulty of providing food for the men who cannot dine with their families. In Birmingham, Glasgow, and I believe in this place, but certainly in Glasgow, cheap dining-halls have been most successfully established. Such institutions might be extended. The facilities which the law gives for the erection of baths and wash-houses should be applied to the provision of workmen's halls, and places of call for work.

Dr. J. Watts: The question practically is whether the capitalists will be satisfied with 5 per cent. The proposition to borrow money from the Government involves a serious question of principle. Cottage property at present pays from 7 to 10, and in some places 12½ per cent. Mr. Torrens proposes to go to Parliament and tax the whole country, in order to lend money to aid competitors with the present cottage owners, and enable them to erect dwellings at a less price than the present owners, at a less price than the present owners can transfer their property, in order that the working men may be accommodated. In other words, he proposes to pay a portion of the working men's rents out of the taxes of the country. [Mr. Torrens: There is not a word in the Bill of such a proposal respecting low rents; there is no limitation whatever. The feeling of the committee was really that the houses should be let at their full value.] Mr. Torrens does not apprehend my reasoning. I am well aware of the provisions of the Bill. My reasoning is, that if I or a corporation can go to Parliament, or the Loan Commissioners, and borrow money at 3½ per cent., when the ordinary interest is 5 per cent., you tax the country 1½ per cent. for the benefit of the borrower. If then this borrowed money is to erect workmen's dwellings, who is to get the profit of 1½ per cent? If the workman is to get the 1½ per cent., you pay the workman a part of his rent out of the national taxes. If the builder gets the 1½ per cent. the same rule applies, and to my mind the principle is a most incorrect one. I should be sorry to see Mr. Torrens' Bill pass without an amendment in that principle. If it were to pass in its present condition it would be an evil precedent; manufacturers might, on the same grounds, want to borrow money from the government to spend in the purchase of cotton. Attention has been directed by one of the speakers to the condition of some of the streets in Manchester. Now those who have lived here as long as I have, will know that there are miles of new streets made by the corporation, which were cut through some of the worst parts of the city. The corporation cannot do everything at once; they devote £40,000 a year to improvements, which at any rate shows that they are not altogether forgetful of the interests of the citizens. It seems to me that the adoption of municipal building regulations is the proper way to cure the evil which we now encounter so terribly, and if in addition, we had a power like that asked for by Dr. Gairdner, somewhat modified, for I object to an autocrat of health, that I think would be a reasonable course to adopt. The powers of improvement which all corporations have, more or less, and which under the general

Act might be increased, and the powers of an officer of health attached to the corporation are, I think, all that we can legitimately get by government authority. Beyond that we must rely on the public spirit of individuals, and on the spirit we can infuse into the working-classes themselves. In this county, co-operation has been very successful among the working classes, and I have no doubt that the same enterprise which has incited working men to improve their fellows by means of that movement would be equally applicable to other subjects, especially that of improved dwellings.

Mr. T. Chatfield Clarke: I do not think there is much point in Dr. Watts's objection. As I understood the proposal, the money is to be borrowed at 4 per cent., and in London in ordinary times you cannot get more than 4½ per cent. on mortgage of freehold property. I do not think that in London it will be possible to erect blocks of buildings where the workmen most require them, but I think it would be very possible to form a society to take up some of the courts and alleys on, say forty years' repairing leases, and lay out what was required to make those places comfortable, and I am confident from my own experience that that plan could be made to pay even a better rate of interest than anything that has been quoted to-day, even as high as 8 per cent.

The Rev. T. G. Lee: I demur to the remark of Mr. Ashworth, that if you give the working men high wages they will themselves provide all that is necessary for their comfort. Some of the men in Sheffield are receiving £4 a week, and they hardly pay sufficient rent to be placed on the register. One of the great causes of so much squalor and misery is the drinking habits of the people. It was stated at the recent meeting of the British Association that £90,000,000 were spent in intoxicating liquors in 1865, and if we could by any means divert that stream to more useful purposes and erect suitable houses, the problem would be solved.

Mr. R. B. Davies read the subjoined letter, addressed to Mr. Torrens, M.P., by Dr. George Buchanan.*

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* "My dear Sir,—I had last year the advantage of conferring with you respecting the method of providing, on a large scale, better house accommodation for the labouring classes of London. The rapid demolition of houses in the progress of railway works and other metropolitan improvements gave a peculiar urgency to this subject, I beg now to direct your attention to another way in which the house accommodation for the poor of London will be largely interfered with, and which will render legislative action in their behalf more than ever needful. The 20th section of the New Sanitary Act requires the vestries and district boards of London to ascertain by repeated inspection what nuisances exist in their districts and to cause the abatement theseof. The 19th section makes overcrowding a nuisance. The 49th section provides means for compelling the vestries and boards to do their duty in this and others respects. Again, the 35th section empowers the vestries and boards, with the sanction of the Secretary of State, to make and enforce bye-laws for regulating the number of persons who may occupy a house, or part of a house let in lodgings; and action has already been taken under this section by several of these authorities. Now, the effect of these regulations, undeniably beneficial as they will be to the health of the district in which they are properly enforced, will be to remove in great numbers poor families who are at present huddled into the miserable sub-let houses of London; and the question will immediately arise (and I do not now see any way whatever of answering it), where are these poor people to go? Now considering that both in the case of railway and improvement works, and in the case of displacement for sanitary reasons, the legislature has brought about this condition of things, it does seem that a responsibility rests on them—either by adopting your own excellent scheme, or in some other way—to facilitate provision being made for the healthy lodgment of the population that is rendered homeless by the action of the law. As regards the way in which this object can be best effected, I have to say that there is great waste of ground in the present construction of poor dwellings, and that labouring men and wowen must live near their work. These considerations would certainly lead me to advise that further provision for their accomomdation should be sought in the reconstruction of labourers' dwellings in London, as well as in building suburban villages for them.—I have, &c.,

"George Buchanan."

Rev. T. A. Stowell: There should be compulsory action for the erection of houses on a regular scale of a certain number of cubic feet for each individual.

Rev. T. B. Stephenson: There is a lamentable ignorance respecting physiology among the working classes. Many of the latter are living in poor and miserable houses when they can afford to live in better; money that should be spent in house rent is spent in drink, and they know not the dangers that arise by overcrowding. I think a great improvement might be made if we showed the more intelligent of the working classes the importance of spending a larger proportion of their wages in rent. They should be induced to live in better houses than they now inhabit, and so give to their poorer neighbours a chance of renting the houses which the higher paid working men now inhabit.

The Chairman (Sir James Kay Shuttleworth): This section has under its consideration the improvement of one of the chief sources of the physical well-being of the poor. Far be it from us to utter one word to discourage efforts to promote that form of improvement. The material condition of the people is the foundation on which their moral and intellectual future must be built. To give them houses which conduce to health, to domestic decency, and to comfort, is indispensable to the creation of a contented and thoughtful people capable of self guidance. But we ought never to forget that a civilization which stops at the limits of material improvement is arrested before the best consequences of social progress have been attained. I could suppose that the population of a great city like Paris, or Vienna, or London, might, by a revolutionary convulsion, expel the wealthy and noble from their mansions, and appropriate their revenues. This usurpation would probably bring even only transient physical enjoyment. The capacity to use aright the resources of wealth could only be attained by the influence of a transforming education. We might even conceive the Tuileries or Buckingham Palace converted into styes by a semi-barbarous horde from the filthest haunts of vice and crime, and the palaces of nobles into dens of thieves. This would be the extremest point of contrast; but it may serve to illustrate the truth that improvement in the physical condition of the people cannot produce more than a very limited effect on the progress of civilization, unless it be accompanied by that moral and intellectual culture, which weans men from brutal instincts. With respect to the peaceful, industrious and honest part of the labouring population, there has been a gradual amelioration in all their habits and pursuits. But even they will enjoy cheap food, clothing, abundant wages, well-built, and commodious houses in proportion as they have been enabled to form a conception of those higher forms of life to which men who earn their bread by manual labour may aspire. Men who have set us some of the purest examples have often been poor, but they have ennobled their poverty by thought, by self-cultivation, and by gentle and unselfish life.

THE MANAGEMENT OF WORKHOUSES.

What means ought to be adopted for improving the Management of Workhouses?

In addition to the papers by Mr. North and Mr. Warwick, which will be found at pp., 630, 646, a paper on "The Treatment of Aged and Infirm Paupers," was read by Mr. C. P. Measor.

Mr. Measor pointed out that a line of demarcation might reasonably be expected to be drawn between the treatment pursued towards the able-bodied paupers on the one hand, and the temporarily disabled and the aged and infirm on the other. That of the temporarily disabled should be the treatment of a good infirmary; but into the care of the aged and infirm many special considerations must enter. No less than ten thousand such inmates existed in the Metropolitan workhouses, subjected to an ill-disguised imprisonment, clad with ignominy, placed in ill-ventilated wards, surrounded with a dense

population, cheered by no amusements, occupied by no instruction, and led to higher aspirations only by meagre means. Dr. Edward Smith, in his official reports, had described their miserable condition. Mr. Measor advocated the removal of this class into the country, and an entire change in the character of the buildings they inhabit, which should resemble almshouses. Secular instruction, games, gardening, and occasional excursions should enliven the last days of these wrecks of humanity, and, above all, the higher consolations of religion should be constantly and freely afforded.

DISCUSSION.

Mr. Bracebridge: I object to much that has been put forth by Mr. North; many of the assertions in his paper are perfectly true, but not in the sense in which they are put. For instance, the author frequently used such expressions as "general mismanagement," and I do not think that the hundreds of persons who are engaged in carrying out the Poor Laws ought to be whipped with an indefinite number of thongs. I take it that in the small unions his remarks do not apply; in the large populations I apprehend they apply largely. That experiment which Mr. Rathbone has been enabled to carry out at Liverpool, for an expenditure of about £2,000 or £3,000 (I allude to workhouse management with trained female nurses), will allay many of the evils. I do not believe there is generally an insufficient dietary. If the public feeling, which has lately been directed to workhouse management, was concentrated upon the condition and management of the invalided, much good might be done. I think there are two distinct ways of treating our paupers. In London, we have taken from the workhouses all classes of children, and concentrated them in schools round the city under the management of the first man in England for the purpose, Mr. Tufnell. The absolutely sick might perhaps be treated in that way, but the invalided, the absolutely infirm, the people whose constitutions prevent a cure being made cannot, and I apprehend that there are many of that class. Now, though we cannot send all our inmates from the workhouses as we send the children, yet their distribution into different classes is perfectly easy, and with proper care this distribution may be made a means of good management.

Sir Baldwin Leighton: I think that Mr. North took his facts entirely from London, and it is hardly fair that those who are charged with the administration of the Poor Laws should be branded because of the offences of some of the London workhouses. I say some, because there are in London workhouses as well managed (St. George's Hanover Square for instance) as any in the country. I cannot believe that the majority of workhouses are badly constructed: and further, I can well understand that many of the charges brought against guardians arise out of a desire on their part to do their duty, for it is only by great experience that persons can have any idea of the attempts that are made to cheat the guardians. A good deal of sympathy has been called forth in regard to the poor people who are obliged to go into workhouses. As an old guardian I have frequently examined their cases, and I have hardly ever found a person who became an inmate but he was driven there from causes which were entirely his own fault. As to dietary, I believe that that matter is entirely under the control of the medical officer. It is quite necessary that there should be dietaries No. 1, No. 2, and No. 3; it is so in hospitals, but in workhouses, in my own at any rate, the medical officer can have whatever he likes. Of course there must be book-keeping, but the surgeon of a gaol with which I am connected has a great deal more than the surgeon of our parish workhouses. Book keeping is one of the best tests that a medical officer does his duty; it affords much better evidence than anything else, should a charge be brought against him. As to the payment of surgeons, that is rather a difficult matter to deal with, as the union practice is often a step to something more, and something better. They are gentlemen, I believe, who are generally treated with respect, and if they are sensible men their suggestions are generally attended to. As to drugs, it is very easy to say that they should be supplied by the authorities, but in thinly populated districts like

that in which I live I do not know how the drugs could be supplied otherwise than by the medical men; but as to cod-liver oil &c, such items should be provided out of the public revenue. I also think that the poor ought to belong to the whole kingdom. As to the second paper, the author has evidently little experience of the navy, otherwise he would not have recommended that that part of the service should receive the worthless vagrants: and I also think that it is a great mistake to suppose that prisoners are better treated than paupers.

Mr. Edwin Chadwick: The value of objections to a system can only be appreciated by an exposition of a system, and those who are interested in this subject will find a concise exposition of the workhouse system in the last number of *Fraser's Magazine*. All that I will say on this occasion will be in answer to some of the objections that have been made to workhouse management, or rather the managing of separate classes in the same house. Now it was intended that the classification should be in houses and not in wards. The principles stated in *Fraser* as applicable to the metropolis are, I conceive, equally applicable to such places as Manchester, but they would require large alterations and unity of management, including for instance Salford and Chorlton. I firmly believe that many of the objections which we hear may be removed with economy, even without entailing any additional expense on the ratepayers. I have heard many deserved compliments paid to guardians for their disinterestedness, and it would be a test of their appreciation of the compliment, if they would consent to accept a system of united management, and surrender the present system of separate authority for the common good.

Mr. Samuel Robinson: The central board in London exercises too strict an authority over the guardians. As a guardian I may say that I often find the feeling expressed that it is no use discussing this point or that point, which local knowledge would enable them to do, because there is little hope of being supported by the Poor Law Board. My experience greatly supports the views expressed by Mr. North, that the medical administration is the most defective part of the work; I have often reflected on the abuses without being able to point out a remedy. With regard to hospital accommodation I believe that we are on the eve of very great changes; we are learning in poor law matters as we learn in everything else, by the infliction of great evils which we do not perfectly attend to in the way of prevention, till they become so great that we see their cause in the neglect of some great physical law. The abuses that have been exposed in the poor law administration in London will, I believe, lead to very great changes. Mr. Bracebridge said that few of the abuses complained of could be charged to small rural workhouses. Now, I am of a contrary opinion, and for this simple reason, that in small country workhouses you cannot have a distribution of cases of different classes as you can in large workhouses. As to hospitals, I think that Mr. North can hardly be aware of what is taking place in some towns. If he has not yet visited the new Chorlton Hospital at Withington I would advise him to do so; it is founded on the principle of the Bordeaux Hospital, which was the subject of two very interesting papers in, I think, 1857 or 1858, by Mr. Roberton, the well-known surgeon in Manchester. I myself think that it would be a great improvement if we could have all our hospitals in the country, with nothing left in the towns but mere accommodation and appliances for accidents. I find one of the great difficulties in workhouse management to be the want of accommodation for distributing the classes according to their wants and necessities. I went the other day into a workhouse and found that the children mixed with the casual comers, and what was the result? why, that in a few days they were contaminated by the evil influences of those new comers. The remedy for these things should not only be a separation of different classes, but very great good would be effected provided that separation was carried out in separate houses, though that plan would materially increase the expense. With regard to the mode of paying medical men, I consider it to be a very great evil, but I think there would be an advantage, if not an absolute remedy, if medical officers would work on the same system as relieving officers—devote their whole time to their duties and not attend to private practice.

Sir Walter Stirling; Experience has taught me that where the central authorities are most in activity there is the most beneficial operation of the Poor

Law. The apprehension of increased rates sends the humanity of the guardians to the wall.

Admiral HORNBY: While the guardians are a body of men fully prepared to do their duty, and possessing much kindly feeling, I think there is little doubt that they are much impeded in their conduct and action by the knowledge that the ratepapers may be "down on them" if they go to too much expense. Their servants, and especially their medical men, are grievously underpaid. Governors and masters are also badly paid, and are not, as a whole, the sort of men I should like to see. There ought to be resident medical officers and chaplains in each workhouse. I do not see why the drugs should not be furnished by the guardians. On the part of the navy, I must also object to the introduction of idle vagrants. There is trouble enough in managing good men on ship board without having to do with bad ones; and there is also this consideration, that punishment returns are carefully examined, and that in proportion as those returns are large or small a captain gets a good or a bad character among his crew. I do not mean to say that the diet in workhouses is bad, but I do not know how a man or a woman is to be kept at the rate of 2s. 7d. or 2s. 8d. a week.

Mr. GALLOWAY: I think that workhouses ought to be places for the aged and infirm, instead of being reception houses for the able-bodied. Instead of relieving vagrants, I think that means should be placed at their disposal for departing to some other country.

Mr. PERCY FITZGERALD: I cannot but express my high approval of Mr. North's paper. I think that we are amply justified in saying that the proper recipients of public relief are not sufficiently cared for, and they cannot be so long as the system remains what it is. The principle of the New Poor Law, which was established to remedy great evils, falls with an equally severe pressure on the able-bodied, the rich, the infirm, and the decrepid. So far as I can judge, our duty as a great nation should be to go back to Queen Elizabeth's first idea of a poor law, which was not to relieve the able-bodied who did not choose to work, but principally to provide for the sick, infirm, and aged. This is the one point on which our attention should be fixed. As to medical treatment, I think there should be a discretionary power given to medical officers, with a view to a more generous treatment of sick and aged than they at present receive. I think that medical officers should in fact have absolute instead of conditional power; and they ought also to be adequately paid.

Dr. EDWARD SMITH: I regret the almost unavoidable discursiveness of the debate, based upon varying individual experience in large and small workhouses. Scarcely any of the speakers speak from a knowledge of the whole system; it may be useful therefore if I, as an official who has seen a large proportion of the country and am acquainted with most of the metropolitan workhouses, state to you the system as it now exists. First, with regard to the various classes of persons who are received into the workhouses. Let me begin with the children. In the larger, as the metropolitan workhouses for instance, they are nearly all sent to separate or district schools, where they have good dietary, good clothing, and good education; they occupy a far better position than ordinary paupers. In the smaller and country workhouses the system is different; they are kept within the institution; they have a schoolmaster and schoolmistress; a separate room for the boys, another for the girls; separate dormitories, and every appliance given for their proper training and education. With regard to their dietary, there may be some defects, but on the whole the children in workhouses are as healthy as any section of the community. As to education, it has been proved that they read well, write fairly, and have a certain knowledge of arithmetic, and that, on the whole, they are fairly trained for the position they subsequently hold in life. With regard to their future destination, when they attain 12 or 14 years of age, occupation is found for them, if they are in the country, in agricultural pursuits; the girls are sent to farm houses, or to be domestic servants; and, on leaving the workhouse, each child has an outfit given it. In towns, the boys are principally apprenticed with some one who will teach them a trade. Some of the guardians also avail themselves of proper opportunities of sending the children abroad. Now, with regard to the able-bodied paupers,

There are separate day rooms and dormitories for each sex, and separate exercising wards, and there is a broad distinction between their treatment and that of the infirm; but in many of the workhouses the able-bodied wards are almost entirely empty. In some of the country workhouses, of say 120 inmates, you would not find more than six who were able-bodied; in fact, in many unions, the guardians have to hire labour. [Mr. Edgill: And employ machinery.] In some of the larger town workhouses, where there are more of the able-bodied, the inmates who are of notoriously bad character are separated as much as possible from the others. Lunatics, if they are very troublesome, dirty, or dangerous, are sent to asylums; some of the idiots are retained, and it frequently happens that many of them are able to work. That way of dealing with them is very beneficial both to them personally and to the workhouse, and I believe that as a whole they are as happy as any persons you can find. With reference to the sick, the principle has always been to separate those who are suffering from contagious diseases from the rest, and it is a common thing to find a building detached from the workhouse for the reception of patients suffering from fever and small pox. Cases wherein the patients are annoying to those among them, and cases of another character, are also isolated. There are therefore the ordinary sick, surgical and medical—and sometimes separated—and the contagious and dirty cases. The sick children are almost universally isolated into three classes; those suffering from small-pox and fever being sent to different hospitals. Many of our sick in the London workhouses are incurables, who are returned to us from the hospitals, and the majority of the remainder are sick and infirm. In the Manchester and Liverpool workhouses the fever, small-pox, and some of the surgical cases are retained, and the institutions therefore greatly resemble an ordinary hospital. Whether they should supplement or supplant the ordinary hospital, is probably a matter for discussion. In the country towns it has not been the practice to send the fever and small-pox cases from the out-door poor into the workhouse, and, therefore, while the workhouse has every arrangement and facility for those cases, it not unfrequently happens that many of the fever and small-pox wards have not had a patient in them for twenty years. As to the other classes of sick in those workhouses, you will seldom find ten persons who will require separation from the inmates of the establishment. The condition is, therefore, totally different from the workhouses in the metropolis. Then as to vagrants, provision is made for their reception; and much discussion has recently taken place respecting the class which ought to be received. As to my own opinion, I am quite satisfied that it is far better to put them under the care of the police—and that, I think, is the system to which public feeling in the present day is tending. There is then an exceedingly perfect organization under the Poor Law—and I am at a loss to see how it can be carried out further. In Mr. North's paper I do not think that much fault was found with the system, as a system, but there is a difference between a system and the details of working out that system. I believe the system is one which deserves your approval; and it is a question only of details and carrying them out. Something has been said about officers. Now, while it is perfectly true that the ordering of medical appliances and extra diet rests with the guardians, I know of no instance in which the guardians in any way fetter the action of their medical officers. As to the question of drugs, I think that it is far better on all grounds that the guardians should find both drugs and dispensers—in two-thirds of the London workhouses that is done. In the small country-workhouses such a system might be inapplicable, and for this reason, that the cost of drugs is not great—the dispensing is the serious question; the medical officer would require to go to the workhouse and dispense medicines, instead of sending them. As to the salaries of medical officers, there can be no doubt that they are miserably low, and I especially refer to district medical officers. There is this distinction between the two, that the workhouse officer looks for his post giving him a good position in the neighbourhood—it is to him as a hospital. The district medical officer has no such advantage, and he frequently—especially in the country—has many miles to travel for a very low remuneration. Of course it may be said there is a remedy—for medical officers need not take these appointments unless they think fit, and we may consider that there is evidently a value in these positions, or

gentlemen would not seek them. Masters and matrons are also badly paid, and though much has from time to time been said about the conduct of these officers, I must say that, on the whole, I have found them to be kind and judicious. I believe that on the whole they discharge their duties faithfully and well. With regard to chaplains, I should like to see one resident in all the large houses; but as to resident medical officers, much may be said on both sides. Our profession is a progressive one, and if a man has to get a living by private practice, he has a high incentive to maintain his position, and keep up his medical knowledge. On the other hand, constant medical supervision might be of great advantage, but I am not sure whether the quality would not suffer. In London we have resident officers in the large houses, but I am not quite sure whether a combination of the two systems would not be the best. With regard to general supervision that is vested in the guardians, and their administration, I believe, has been too severely commented upon. They discharge their duties with care and diligence; they may be in some cases a little penurious, but I am convinced that should there be a laxity in the distribution of the funds of the ratepayers, the most serious evils will result. I think that as a whole public feeling is tending to increase the pauperism of the country and diminish the breadth of the line between the hard working and industrious man and the pauper. As to the central authority, it is well understood that the initiation of matters rests with the local board, and the central authority takes no more part in the matter than the central authority of any other social system. Whenever that authority has suggestions to make the guardians as a rule accede to them.

Mr. F. Hill: I am prepared to enter a decided protest against Dr. Smith's speech. I cannot admit that any of the guardians in London have done their duty, or are deserving of anything than the strongest condemnation. I think that after the official investigations and exposures of their proceedings it is too late to stand up to defend them. I think that a case has been made out for recasting the whole system on which our poor law is administered. We pay six millions a year for the relief of the poor, and yet for one beggar you see in Paris, Brussels, Normandy, or Bavaria, you see ten in this country. Our poor laws are supposed to administer relief to all who need it, but day after day we hear of deaths from neglect and starvation, and all the beneficent intentions of the legislation of Elizabeth, that no person should have a pretext for mendicancy, seem to be forgotten. All that is wanted is intelligence in the administration and in the appointment of governors and matrons competent to the difficult task of managing those who may come to them.

Dr. Lees: Dr. Smith would lead us to suppose that the poor law system is the perfection of human wisdom. I am sure from what I know of Dr. Smith that that was not his opinion six years ago. My own opinion of it is that it is bad, and has been bad for a number of years. The post of medical officer to a union, about which we have heard so much, is often sought and held in order to prevent the competition that would follow the introduction of new medical men, and the duties are often deputed to pupils and assistants. I must deny altogether, and I speak from experience, that medical officers have practically the power to order and obtain anything they may think desirable for their patients in the way of diet. It has certainly not been the case in the Ashton union. I think that medical men have also a right to complain of the way in which they are paid. I, for instance, commenced with a remuneration at the rate of 7s. per case, and after a few years my remuneration was consolidated into something like £60 a year. The cotton famine came on, and the remuneration that I received was at the rate of not more than 2d. per case. The guardians declined to increase my salary; I gave them notice, and they said they could get another in my place. The fact is that tyranny is frequently practiced on medical officers who prefer to submit to it instead of allowing the introduction of a fresh competitor.

Sir Harry Verney, M.P.: The result of having a properly trained matron and a number of trained nurses and probationers in one Liverpool workhouse, during the last year and a half, has been surprising; the improvement that is seen amongst the inmates is remarkable. I believe that this, in a great measure, is due to the influence of respectable well-educated females.

Mr. Edgill: I am the clerk of the Chorlton Union. The hospital of that

union is now attended solely by paid nurses, though I am sorry to say we cannot call them trained nurses. The guardians would at one time have paid almost any money for such nurses, and now through the assistance of the Protestant Sisterhood of St. Margaret's, London, a system has been put into existence which is giving us competent nurses for every case that occurs in the workhouse About four years ago the guardians of the unions in these districts took special pains to inquire into the organisation of the medical service, and to ascertain what was the best mode of constructing a hospital. The Chorlton Union was the first that made application to the Poor Law Board for a larger space to be devoted to the sick than had hitherto been the case, and the Board gave their assent. The minimum space that has been fixed for hospitals by the commission presided over by Mr. Sidney Herbert, is 1,250 cubic feet per patient; in our hospitals the space is 1,850 or 1,360 cubic feet. In fact, I think that our new hospital is well worth a visit. It is built on the pavilion principle, three stories to each pavilion, and the whole building gives us fifteen wards of thirty-two beds each, or a total of about 500 beds. The total cost will only be about £30,000, and the cost of the new St. Thomas's Hospital, London, which will be about the same size, will be from £500,000 to £600,000; and the cost of the Leeds Infirmary, which will accommodate about 400 beds, will be £80,000 or £90,000. The land has not cost us much, say not more than £1,000 or £1,200 for the whole six acres, which includes the site of the building and all that is attached to it. We are providing a medical staff which I think will meet with the satisfaction of all in this section. We have a consulting surgeon of considerable practice and experience, who is retained to make periodical visitations of the house, and occasionally report thereon; his salary is £100 a-year; we are also to have a resident medical superintendent at a salary of £400 a-year, who is to have an assistant at a salary of about £120 a-year. We have a dispenser, and as the house is some miles out of the city, we have also provided a very convenient ambulance van which has cost us £90. The guardians hope that now the hospitals have been built more room will be afforded in the house, which will hold 1,200 or 1,500 persons, for better and more complete classification. With reference to children I may say that we lately attempted a plan of getting them out into the families of decent working men and others and having them trained for their rank in life, on the same plan that is adopted in some parts of Scotland, but upon this point the Poor Law Board disagreed with us. Our object was to teach children so that they might not have everything to learn when they grew up to manhood, as they have now under the system of workhouse and district schools. With respect to industrial training, we carry it out in shoemaking, joinering, tailoring, and gardening, and we have also a mechanic.

Mr. T. Clowes: I am the Chairman of the Chorlton Board of Guardians, and it has always been considered with us that the medical officer in the workhouse has had supreme authority. Of course it is not so legally, but it is practically.

Mr. R. A. Arnold: as I have had the pleasure of inspecting the Chorlton workhouse hospitals I feel it my duty as government inspector of public works to express my complete satisfaction with the arrangements and the manner of building. It has been substantially and economically constructed, and the arrangements are highly efficient.

Sir Baldwin Leighton: Some remarks have been made about visitors to workhouses. I certainly would throw them open to respectable visitors, but in my parish the difficulty is to get ladies and gentlemen to undertake those duties. I believe that the throwing open of workhouses to the public under proper restrictions will be productive of much good. But badly as it is alleged some of the workhouses are conducted, I can hardly conceive any where the patience of the inmates is so greatly tried as that of some of the out-patients. Some of the latter die most miserable deaths. As to children, I believe they are quite sufficiently fed, but in some workhouses they are kept too much within the walls.

Mr. North: I should like to remove some of the misconceptions that evidently exist with regard to my paper, for I do not believe that the guardians are deserving of the violent and indiscriminate attacks that have been made upon them. I believe they are desirous of doing right to the best of their judgment. I see no reason why they should be deprived of the care of the poor, but they do

not in all cases draw a sufficient distinction between those who seek relief on account of physical or mental disease, and those who are unwilling to earn their living.

The CHAIRMAN (Sir James Kay Shuttleworth): It is very apparent that the remarks have been made from necessarily limited spheres of observation, and it is important to bear this in mind, for there is nothing more remarkable in the administration of poor law relief than the distinctions between north and south, rural districts and cities, distinctions of principle as well as in respect of fact. They arise to a great extent out of the condition of the population and of the administrative body. In the eastern and southern counties, and in some of the western counties, the boards of guardians are remarkable for their efficiency. They are presided over for the most part by gentlemen of great intelligence, such as influential county magistrates who assiduously devote themselves to their duties, and they are attended by the most intelligent farmers and rate-payers of the union, and these also devote themselves to their duties with great assiduity. That expression, however, cannot be used with regard to certain classes of the guardians in the metropolis. In the east of London, and in some parts of the south, the boards of guardians consist of petty shopkeepers, and often men who have sinister influences to interfere with the discharge of their duties. They are to a considerable extent owners of small tenements, licensed victuallers, or owners of beerhouses, and they are also frequently employers of fluctuating kinds of labour; and their own work people come before them for relief. There is not the slightest doubt that the administration of relief in some unions is a great contrast to others, and that the allegations of the *Lancet* commission contain much of truth. I believe it would be a fatal error to centralise the administration by relieving the guardians of their duties and appointing government officers, and I say this because I know that a plan has been entertained in so influential a quarter that it is quite possible such a scheme may be brought before the notice of the Poor Law Board, and find its way into Parliament for discussion there. I hope that it would be rejected, for it would be contrary to the principles of the administration of this country. That a great change is needed in some of the London unions I cannot deny, and I cannot but commend such an example as that set by the Chorlton guardians.

Mr. BRACEBRIDGE moved "That it is desirable that a restricted number of selected visitors of either sex should be permitted and authorised by boards of guardians to visit workhouses in all large unions."

Sir BALDWIN LEIGHTON seconded the motion.

The resolution was carried.

TAXATION.

What Improvements might be introduced into our existing system of Taxation?

IN addition to the paper by Mr. Macqueen, printed at p. 649, papers were read on this question by Mr. John Noble, Mr. Daniel Sheriff, and Mr. G. H. Smith.

Mr. NOBLE said that three opinions are prevalent on this question:—First, that a mixture of direct and indirect taxation should be used. Secondly, that indirect, in ordinary times, should be the only mode of taxation. Thirdly, that direct, as the means of obtaining perfect free trade, should alone be employed. Taxation being the payment made by each citizen in return for State protection should be in proportion to the property protected. It should also be palpable and apparent at the time of payment, so that every taxpayer may know exactly how much he pays, and thus be incited to

see that his money is properly expended, and that more taxes are not levied than are necessary. It should not interfere injuriously with trade, industry, and employment. Duties of customs and excise prevent the increase of trade, and hence the accumulation of national wealth. The removal of such duties has vastly increased our exports, and benefited native industry far more than the protective system previously in vogue. It is a great anomaly that, in an age when every effort is being made by railways, steam vessels, and the electric telegraph to facilitate intercourse, those barriers of commercial intercourse, customs and excise, should be tolerated. The abolition of indirect taxation is not, as is frequently considered, impossible. There are, doubtless, difficulties in the way, but they are not insuperable. Perfect freedom of trade is necessary in the interest of property itself. The income tax has proved no burden upon property; it has not only secured the repeal of more oppressive taxes, but has been the means of increasing greatly our accumulated wealth. All bad taxes fall heaviest upon property, which cannot escape the burden of sustaining an impoverished community. On the other hand, freedom of trade and industry greatly increases the value of all realised property. It is obvious, if these considerations are true, that further improvements in taxation must keep in view the extension of trade and the controlling of expenditure. Both these objects can only be perfectly attained by the substitution of direct for indirect taxation. If no other substitute for indirect taxation can be found, the extension of the present income tax would be infinitely preferable to customs and excise. This tax was described by the late Sir Robert Peel as "infinitely less onerous and more just than any other tax." Its evasion might be prevented by publishing the returns, as is done in the United States. Several considerations, however, point to property rather than income as the just basis of direct taxation.

In order to secure both free trade and control of expenditure it would be well, as the next stage of legislation, to apply indirect taxation to meet the interest of the national debt, and direct taxation to meet that portion of the expenditure which depends upon votes of the House of Commons. If members felt their responsibility in the shape of increased direct taxation, they would most narrowly and carefully scrutinise the expenditure. It is because the money is obtained surreptitiously that it is expended lavishly. This division of taxation presents a goal towards which the efforts of all fiscal reformers might at once be directed; when reached it could then be considered whether the remaining indirect taxes were desirable either in the interests of trade, revenue, or morality. By adopting the plan of Mr. Pollard-Urquhart, or some other mode, a host of minor duties might at once be swept away, the duties on tea and sugar gradually reduced, and in a short time extinguished, and the shilling on corn, in company with the taxes on coffee, raisins, currants, and the vexatious duties on carriages, horses, and locomotion be abolished. Much discussion has arisen on the incidence of taxation. Inequality is not,

however, the great evil of indirect taxation. It is in time adjusted. The real evil of this mode of taxation consists in the restraints it imposes on trade and employment. The utmost extension of trade and industry will only be secured when the nation shall be wise enough to make its taxation a direct payment and leave trade and industry perfectly free and unfettered. Great Britain has led the way in the repeal of protective duties. It is now the time for consideration, whether another step should not be taken in the abolition of the Custom House, that artificial barrier to the interchange of productions and to friendly intercourse between nations. This great boon to be secured, not perhaps at once, but by a series of wise and well-devised measures, would produce beneficial results throughout the whole world, making the nations to realise the grand idea of the Apostle, that "we are all members of one body," and by rendering war less possible, realising to an extent at present scarcely appreciable the divine principle of peace on earth and goodwill among men.

Mr. SHERIFF maintained that the leading object of all who advocated direct taxation appeared to be to exempt the poorer classes from contributing any thing to national expenditure, and to lay the burden on the wealthier portion by a tax on rent and property. The customs' and inland revenue duties had been made totally unobjectionable. The duties on the most necessary articles of consumption had been reduced to a mere trifle. Tea, sugar, and coffee might be regarded as the principal articles subject to duty, and most required by the humbler classes; but when the duty on tea was only 6d. per lb., coffee 3d., and sugar 1d., the amount paid by a family on these commodities must be very small. If individuals of very small incomes used articles more highly taxed, such as spirituous liquors, or tobacco, they had themselves to blame, and taxed themselves in using things that were not necessaries but luxuries. It had been argued that, besides the duty, consumers had to pay a large per centage additional to the merchant and retailer, which he had seen put down at 50 per cent. But any such calculations were erroneous, as the per centage on articles of general consumption was through the competition of retailers reduced to a minimum. An expenditure of £70,000,000 a-year, however large it might be regarded by some was after all small comparatively, considering the great wealth of the nation. The employment given in the distribution of the revenue was too much overlooked. Army, navy, and civil service afforded a great field to our population. The salaries thus derived were, to a considerable extent, returned to the trading community to meet necessary wants; and the employment afforded by the Crown in its various services, was an advantage to other departments of business, inasmuch as it entirely removed that class of the community from becoming rivals in various occupations. Very prejudicial statements had been made against the customs' department and its officers, at the meeting of the Association last year; but the allusions to the unnecessary detention of ships, and the susceptibility of the officers to bribery, he considered to be unfounded. It was an acknowledged fact that every

facility that could be desired was now given by the customs' regulations to all branches of business; and that if any injury were complained of, a true representation of the particulars would result in a complete exculpation from blame of the regulations of the department and its officials. From the manner in which the service was now conducted, and the many checks against fraud, the circumstances were very rare indeed in which bribery could be successfully effected. It was a well established fact that in no country in the world was the collecting of the revenue better conducted, or at a less per centage than in England. The statistical accounts of the respective branches of trade had now become indispensable. They were of the greatest value to the commercial world. The public information derived through this department, of the registry of ships, the particular shares owned by each person and the mortgages, &c., recorded against them, caused a great deal of official work to men alone familiar with the business. On this branch of the public service also rested the principal responsibility, at all times, of warding off infectious disease from our shores, by subjecting ships, when necessary, to quarantine regulations; as well as preventing diseased animals being imported. But if customs' and excise duties were abolished by means of direct taxation, in what form and by what means would the working classes pay? Such an impost as a poll tax would not be tolerated; it could not be collected; and he desired to be informed in what other way the humble classes could be reached. He questioned much if the working classes would gain by the total abolition of the duties. They must know that, if they were entirely freed from contributing in any way, the wealthier portion of the community would have to make up the difference; and when employers were paying for labour as much as their profits permitted, were these additional burdens of taxation inflicted upon them, a reduction of wages would be the result. However much there might have been formerly reason to complain, we might now fairly congratulate ourselves on one of the best fiscal arrangements, under which the working classes had no right to consider themselves unfairly treated.

Mr. George Henry Smith pointed out that improvements in our existing mode of taxation must be sought for, apparently, in one of two ways, either by lowering the rates of duty so as to produce equal or larger returns annually through increased consumption, or by reducing the cost of collection. A third means of correcting a faulty system which was composed of incongruous elements, and which was unequal in its incidence in what it collected directly, no less than in what it raised indirectly, would be to employ the income tax notwithstanding its acknowledged defects, as the late Sir R. Peel employed it, viz., as a means of freeing trade and industry from the impediments placed in their way by customs and excise. Adam Smiths's four generally accepted rules for the regulation of taxation had been before the public for a century; had been enlarged upon in many an eloquent speech, and made the theme of many a profound disquisition;

the probability was that they would have to be analysed, discussed, and illustrated over and over again before the truths which they embraced would strike root, and be developed into act. And no wonder, since their propounder himself did not perceive their full significance, overlooked the palpable contradiction between his second and third rules, and ignored the only plan by which equality, certainty, and convenience of taxation, and due returns to the public treasury could be approximately realised. Adam Smith's commentary on his 3rd rule—viz., that since the consumer "is at liberty to buy, or not to buy, as he pleases, it must be his own fault if he ever suffers any inconvenience from taxes upon such consumable goods as are articles of luxury"—had been one of the main arguments in favour of indirect taxation; but it nullified the condition laid down in his own second rule, to wit, that the "time of payment, the manner of payment, the amount to be paid, ought all to be clear and plain to the contributor, and to every other person;" and it also lent its sanction to that most fatal of errors—the supposition that the end justified the means. If it were indifferent how the revenue was raised, provided it were done without provoking discontent, there was no more to be said. But surely taxation had its law, and reason of being. Society did not exist for the purpose of being taxed; but taxation had its origin in the objects and needs of society. Like any other outlay, taxation was only just in proportion as it was necessary—only not wrongful if it were really serviceable and profitable. If it did not give the payer money's worth for what he contributed conscientiously, and with a clear view of his own best interests, it was an unmitigated evil. In answer to the objection that the working classes would escape taxation, if indirect taxation were abolished, various plans had been suggested by which they could be reached directly; but wherefore this solicitude that no poor flies should escape the web of taxation? It was far from clear that the exemption would be unjust or contrary to the doctrines of sound Political Economy. Duties on the raw materials of manufacture were abolished; nobody would think of taxing a steam engine; but taxing of the labourer was a taxing both of the raw material of industry and the industrial machine itself. And if the burden of taxation rested only upon property, it did not follow that the holders of property would have more to pay than at present. It was well ascertained that offences against the laws diminished or increased with the rise or decline of trade. Now, crime and poverty occasioned a considerable portion of the national expenditure. Might it not be worth while, therefore, to place the labourer in a position to make the most of the sole commodity he had to offer? He was subject, of course, to the law of demand and supply in the industrial market; but was it acting economically so to tax the earnings of his labour that the gaol or the workhouse might be his doom? Direct taxation might be so framed as to secure approximation to equal dealings with the taxpayers; whilst inequality was inseparable from indirect taxation. Taxes upon consumption fell crushingly upon the labouring classes, and they were injurious to the presumedly protected classes, who, in

addition to the cost of pauperism and crime, suffered from the forfeiture of trade and commerce lost through the restriction of consumption occasioned by duties on commodities, no matter how light they might appear. Indirect taxation sinned against every truth propounded in Adam Smith's four rules, whilst direct taxation offended only against one of them, and that in a minor degree. Perfect equality could be realised under neither system; but it could be approached far more closely by a direct levy. Taxation had its laws and reasons for existence. The experience of the last five-and-twenty years taught us that we had been infringing them for centuries; and the infringment, as was the case with every breach of natural laws, had been visited heavily upon ourselves. We were once on the brink of ruin; but, fortunately, we went back to first principles and were saved. The prosperity of our future national career depended on our taking our stand in all cases, and in dealing with every question, on the immutable principles of justice.

DISCUSSION.

The CHAIRMAN (Mr. Malcolm Ross) said they had heard that morning four very interesting papers on the subject allotted to the section. Mr. Macqueen's paper appeared to be, to a large extent, a history of taxation, and of the various modes of its levy and disbursement. Some parts of it were very excellent, and very valuable, but there were others which he regretted as blemishes. As to the corn trade not being entirely free, he thought that, having come to a shilling duty, there was not very much reason to complain. A more interesting paper than that by Mr. Noble he had never heard. It did the greatest credit to his talents and industry. Mr. Noble laid it down that taxation should be open, palpable, and under no disguise; and in that proposition they would all agree. He entirely concurred in the observation that free-trade had done far more for native industry than the protective system; but as to the remark that custom and excise duties prevented freedom of commercial intercourse,—he would reflect upon it, and see how far he could concur on it. It was scarcely to be expected that hearing this and other doctrines for the first time, he could either acquiesce in, or dissent from them; but the paper had opened up a wide field of thought; and if it were right, many political economists must come to the conclusion that they had still a great deal to learn. Mr. Noble was strongly in favour of direct instead of indirect taxation. The question could not have been better argued; and it was the more gratifying to him to say so, as he was not an entire convert to direct taxation. It might be true that the extension of trade and control of expenditure called for the substitution of direct for indirect taxation; and that even increase of the present income tax was preferable to duties of customs and excise; but he must say that he was surprised to hear Mr. Noble proposing that income tax returns should be published. If there were any part of Mr. Noble's paper to which he was decidedly opposed, it was this; and he was very sure the time would never come when Englishmen would consent to have their incomes paraded in the newspapers. Mr. Sheriff's paper contained some statements entirely novel. Mr. Sheriff held that the object of those who advocated direct taxation was to exempt the working classes; and it certainly would exempt the idle, the lazy, and the vagabond, who would not work; but those who could and would work would acquire property, or the means of being taxed. As to the assertions that we were to be taxed in order to find employment for Government officials,—that they were much under-salaried,—that they were retained in order to enable them to become Government spies,—and that their salaries were returned again, to a large extent, in the consumption of taxed articles, he left it to the section to say whether there was any

truth in these statements. Mr. Smith's paper was a very able one. He seemed to have devoted much attention to the study of Adam Smith; but there was not anything materially new in his observations. The strongest passage in it was that in which it was alleged that "indirect taxes act protectively, and with the unfailing consequences of protection, injury to the classes supposed to be protected, and impoverishment and degradation of the classes amerced for this mistaken object." Mr. Smith ventured to predict that direct would supersede indirect taxation ere long; he controverted part of Adam Smith's theory; and he maintained that indirect taxation was opposed to the truths propounded in Adam Smith's four cardinal points. But all this required further consideration.

Mr. Heyworth said his sole object was to disseminate a truth which he believed to be most valuable. He considered the income tax to be the instrument by which the greatest benefit had been conferred on all mankind. Ever since that tax was imposed, commerce had flourished in an astonishing manner, not only in this country, but in every country of the world; and if it were carried to the extent necessary for the abolition of customs' and excise duties, it would be productive of the greatest benefit to all classes. The question to be considered was what kind of taxation would be most profitable. The object was to find out that mode of taxation which would least interfere with the products of industry. If they laid a tax on sugar they diminished consumption: and in the same proportion they diminished the demand for our own productions in exchange. If the consumption were diminished one-half or one-third, would not that, he asked, interfere with the manufactures of Manchester? If customs' duties were abolished, he had no hesitation in saying that the commerce of England would be increased threefold in a few years, *i.e.*, that there would be a threefold increase of manufactures, a threefold demand for labour, and better remuneration for it. Thirty years ago, he had so clear a conviction of this, that he said that, whatever happened, the only two things that would be secure were labour and land, for on these they all depended. What he said thirty years ago, he now repeated. With trade free, every labouring man would be able to procure the necessaries and comforts of life: and, with a prosperous community, the value of land and its products must increase. Was it not then worth while to say "Let us abolish customs' and excise duties, and, as the instrument, embrace the income tax with delight!" For his own part he would be glad to pay 20 per cent. of income tax if these duties were repealed, for he was very sure that he would soon be so much the more wealthy. The question was, did the income tax set industry free, so that its products should be abundant for every body on the face of the earth? If it did, such extension of the tax as might be necessary to abolish customs' and excise duties, was the improvement in our present system of taxation which all ought to advocate.

Mr. Holland thought it incumbent upon him, as President of the Financial Reform Association, to offer a few observations on the subject under discussion. He should have liked to see a much larger assemblage on that occasion; for the question at issue lay at the very root of the great object of the Association for the promotion of Social Science, viz.: the elevation of the great masses of the community. When he went into its various sections, and heard discussions on amendments of the law, co-operative associations, extension of education, improvement of prison discipline, and other matters, what occurred to him was that at the very root of them all lay the questions, "How are we to improve the material condition of the people of this country? Where are we to look for the remedy?" He and a few fellow-labourers working in the Financial Reform Association proposed free trade as the remedy. They had adhered to it through good report and through evil report, keeping the lamp of free trade, as their late friend Mr. Cobden said, burning in the midst of external darkness; and now they were glad to see some awakening of the public mind to the importance of this great question. The doctrines of Adam Smith had long lain dormant; some five-and-twenty years ago they were brought into partial operation; and the results had astonished his most fervent admirers. They had only to profit by the lessons of experience, and complete that which had been so successfully commenced. Regarding it merely as a mercantile question of profit and loss, would it not be desirable for them, as a community, to do away with all customs' and excise

duties at one sweep, and adopt, in their stead, a direct charge upon property? He believed, judging from experience, that this would be the most profitable bargain that he, that they, or any other possessors of property could make. During the last twenty years commerce had nearly trebled, in consequence of the remission of customs' and excise duties to the amount of twenty millions; and if a reduction of twenty millions had done so much, what would a reduction of forty millions do? They found also that this reduction of customs' and excise duties had been followed by an increase of twenty-three millions in the total revenue, as compared with tha tof 1842. This seemed so extraordinary that Sir Stafford Northcote said that, paradoxical as it might appear, the more they reduced duties, the greater was their produce; but that this was no argument for sweeping them away altogether. He (Mr. Holland) contended that it was; and that if all customs' and excise duties were swept away by the substitution of direct for indirect taxation, all classes would be benefitted, and none more than the possessors of property. The only argument he ever heard against the change was that we should thereby create great inequality of taxation, taxing the propertied man vastly too much as compared with the working man. It had been alleged that, inasmuch as the earnings of the working classes were from 250 to 300 millions, or more likely 400, *ergo* those classes ought to bear a still larger proportion of taxation; but he contended that the working man was very much overtaxed already as compared with the propertied man. In proof of this he appealed to the statement made in support of Mr. James White's motion respecting expenditure and taxation, about two years ago, that, from statistics founded on the actual expenditure of 6,000 families, it appeared that each family of a man earning 26s. a-week, with wife and three children, paid 3s. 4d. a-week in the shape of taxes, which was something like 12½ per cent. of his earnings. Hence Mr. Gladstone had said that when gentlemen talked of the injustice and inequality of taxation, in reference to the income tax, he begged leave to tell them, that the working man paid in proportion to his income, a great deal more than the proudest nobleman in the land. To those who said "don't be unjust to property," he replied "remedy at all events the existing injustice to industry; don't tax the working man at a much higher rate than the propertied man." Reverting to the doctrines of Adam Smith they would find that he most clearly demonstrated that though they took a tax from the working man in the first instance, the inevitable result was that it settled itself down ultimately upon property. Turn it as they would, it came to that. They might fancy that they took a tax from the working man, that they got something from his means independently; but whatever was so got, the property of the country was damaged by the proceeding. By knocking down customs' and excise establishments, propertied men would gain a great bargain. The area of this country was very restricted; capital accumulated at the rate of 100 or 150 millions a-year, and it had to find employment somehow or other. Foreign loans, and wild speculations of all kinds carried it off by a bleeding process to get rid of plethora. It was the partial adoption of free trade that enlarged the limits of this country; provided an outlet for overflowing capital, which we really did not know what to do with; and found profitable employment for labour. Here was an enlargement of our area, a sort of new world, as it were, that a new Columbus had discovered for us. Every additional import from abroad, was nothing less than the employment of so much additional labour in this country; and if so much had been done by partially unbinding the limbs of the giant labour, what would he not produce if we took off his fetters entirely, and opened to him the still wider world of perfect freedom of trade? When first this income tax was imposed, a penny in the pound produced £700,000 or £800,000; what did it produce now? The late Chancellor of the Exchequer, in a recent speech, estimated it at £1,400,000,– an increase of something like 70 or 80 per cent. on the penny, which, of course, represented increased wealth of the country to the amount of 70 or 80 per cent. So that 4d. in the pound now represented £5,600,000; and, going on at the same rate of increase, 6d. in the pound would soon be something like ten millions. He entertained a strong conviction that a tax of a shilling in the pound, to sweep away these obnoxious duties, would be most beneficial to the holders of property. This was the mercantile, or mere trading profit and loss view of the question; but it might be

argued on many moral and social grounds, which harmonized perfectly with the profit and loss view. As to the burden of the income tax, it fell upon those who, for the most part, were well able to bear it, whatever its inequalities: but by indirect taxation, they inflicted great injustice and inequality on the classes least able to bear it. Such taxation pressed heavily on the man who was earning 22s. per week, but still more heavily on him who only got 15s.: so that the greater the necessities of the individual, the more he was taxed. The working classes had no property but their labour, and they had a right to demand from Government liberty to exchange the fruits of it all over the world. Every one of these customs' and excise duties was an impediment to the exchange of labour. He maintained that Government had no right to create such impediments, on any ground of justice or sound policy: and he believed that in a people's House of Commons one of the first questions asked on behalf of the people would be "Why should we not have freedom for our labour?" Whether as a question of profit and loss, or whether on the still higher ground of the moral claims of the working classes,—or on that of elevating their fellow-countrymen in the social scale,—he held this subject of taxation to be the most important that could engage the attention of the Association.

Mr. Strachan (Newcastle-upon-Tyne): What they wanted was to see what system they were to have for the one they had: and Mr. Macqueen told them it was to be a doubling of the income tax. But of all taxes creating dissatisfaction and disgust, that was the one which bore away the palm. The question was why one class of the community should bear the whole burden of taxation,—whilst another, the working class, paid nothing? and he did not see that that question had been answered. There was much more ground for objecting to the income tax officials than to Custom-house officers and excisemen. He did not mean to say that they had yet a perfect system of taxation. The late Chancellor of the Exchequer had carried out the views of the Financial Reform Association as far as public opinion would allow him: and he appeared disposed to go quite as far as this paper of Mr. Macqueen would lead him. It might come to the retention of the duties on spirits and tobacco alone.

Mr. J. R. Jeffery would show how the people were wronged by the present system of taxation, and how their condition could be improved. The largest amount of taxation was imposed on those who were least able to bear it, the man earning 26s. per week having to pay out of it 3s. 4d. towards the maintenance of the State. The greatest advocate for indirect taxation could scarcely say that that was a just fiscal law, which ought to be maintained. Its effect was to produce poverty; poverty produced crime; and pauperism and crime imposed greater burdens and losses on property than fair taxation would occasion. The gentleman who preceded him had altogether misconceived the desire of the Financial Reform Association. What they said was that here was a means in existence (the income tax) by which the most satisfactory results could be achieved. They knew its defects; let those be improved, but let not the instrument be thrown aside. Mr. Sheriff, speaking of spirituous liquors and tobacco, had observed "It may be said that if the poorer classes would abstain entirely from these beverages, our revenue would consequently fall off and be greatly decreased. But let us grant this to be the case; it would, in the end, be no great loss. It would be a gain to the State, and one of the greatest improvements in the cause of morality that could possibly ensue." Did he mean no loss financially or morally? If he meant morally, it would be a great gain; but if he meant financially, it was not so clear how a loss of something like twenty millions out of forty millions could be considered a gain. [Mr. Sheriff: If the poorer classes improved their own condition by abstaining, they would also improve the condition of those above them who pay taxes.] But if the great consumers of these articles abstained from their use, how would the State gain? [Mr. Sheriff: The community would have more property to come under a property tax. There is not a word in my paper against a property tax.] He was most happy to hail Mr. Sheriff as a convert, for what was proposed by Mr. Macqueen was a property tax, supplemented by an occupation tax. Mr. Strachan and Mr. Sheriff had both spoken as if the object of the Financial Reform Association were to relieve the working classes from taxation

in toto; but nothing had been said to justify that supposition. Mr. Sheriff had also said that Government was going as fast as possible, and therefore required no pressing. He took exception to that remark. Government could not go beyond the stage to which the public had been educated. The desire of the Financial Reform Association therefore was to disseminate sound principles. They wished to impart information; they wished to see both the authorities and the people educated up to the two first principles of sound taxation, viz.—that every subject was bound to contribute to the support of the State in proportion to his means, and that taxation was a just debt which every solvent subject should be compelled to pay. The Chairman had observed that the import tax on corn was a shilling a quarter. It was now 3d. per cwt., the consequence of which, as to wheat, was that the shilling was raised to 1s. 1½d. The Chairman seemed to think that such a duty would have very slight effect in preventing importation, but a very little reflection would convince him to the contrary. Whilst that duty remained they drew their supplies from a certain area, and it could not be said that they drew them from the whole cultivated world. There was a point at which they stopped. Abolish that shilling duty and they would greatly enlarge the circle from which they received supplies of corn in exchange for their manufactures. They knew that the cost of carriage in the remote regions of America, watered by the Mississippi and other great rivers, was very small; and by abolishing the duty, they would greatly enlarge the circle of supply, including in it a vast area of virgin soil. If a merchant who had imported foreign corn wished to export it to some other country, he could only do so at a great disadvantage; for he had to pay the duty; he was not permitted to bond his merchandise; and he was not allowed any drawback on re-exportation. Thus the shilling duty, as Mr. Macqueen had shown, if the estimated amount of home produce were correct, subjected consumers to a protective duty of four millions per annum, from which the State received no benefit. In 1859, as they had heard, the Financial Reform Association sent a deputation to the Bradford Meeting of this Association. He read the paper presented on that occasion. When he came to the statement that of 460 articles in the Customs' Tariff, twenty-one produced nearly the whole customs' revenue, Lord Brougham, who presided, stopped him and said "Is that true?" Being assured that it was, his lordship said, "Then I think it is a most serious question for the Chancellor of the Exchequer." Most of those unproductive duties were abolished in the following year; and the Financial Reform Association having been instrumental in clearing away so many stumbling blocks to trade, now asked for a further simplification of customs and excise tariffs by reducing them to six articles only. Was that a desirable alteration or was it not? He called on all who thought it was so to assist in clearing away these obstacles to trade. Whatever Government was in power, it must do the will of the people. That will should be founded on knowledge; and if it were so founded, it was of very little consequence who held the reins of government.

Mr. Hurst wished to know how the £5,000,000 of taxation proposed to be remitted was to be made up to the revenue.

Mr. Jeffery: A reduction of expenditure to that amount would be the most desirable mode in his opinion; but, failing that, an addition of 2d. to the income tax, and reduction of expenditure.

Mr. Hurst said to do it by saving was what they should aim at. It was a most desirable thing to get rid of taxation in that way; but to change one tax for another was a great evil attended with great injury to many persons. If it were not the best way to pay taxes indirectly, it was the pleasantest way. Take tobacco:—he himself occasionally smoked, and he paid the tax very properly and very willingly for that indulgence. Great numbers of persons were of the same mind as himself. They all knew that the income tax was obnoxious to the trading classes; and he should consider that any increase of it would be prejudicial to persons having certain and fixed incomes.

Mr. James Steel denied that to change one tax for another was always an evil. They all recollected one very bad tax, that on windows, which was changed for another, called the inhabited house duty; and not a man in the country had ever complained that he was injured by the substitution. Although both were

direct taxes—the one was most obnoxious—the other not so at all. A large amount of money might be raised by an extension of that tax. If any one thought he was too heavily taxed on his house, he had his remedy by living in one of lower value; but no one could escape the levy of an unjust or obnoxious tax. Having to raise a certain amount of revenue, they should make it their first principle to raise it in the most just and equitable manner, so that every man should pay as nearly as possible in accordance with his means. But what was the fact under our present system? Take the tobacco tax. The kind used by the millions, was taxed 600 per cent. on the value, whilst the best cigars smoked by the gentlemen were taxed only 25 per cent. It was all very well to say that luxuries should be heavily taxed, but beyond a certain amount they could not go without encouraging smuggling and adulteration. The same thing applied to other taxed articles. The poor seamstress, for example, paid the same duty on her inferior tea that the marchioness paid for the most costly kinds. If they wanted to do good to their fellow creatures, they should relieve them as much as possible from the heavy duties now levied from them. There was nothing in the shape of a property tax comparable to the taking of 3s. 4d. a week from the scanty earnings of the working man.

Mr. Edwin Hill: Why were they obliged to raise so much revenue? Simply because they spent so much. Being employed in the collection of the revenue he ought to know something about it. The subject was curiously mixed up with the question of *ad valorem* duties. Why was it that the person purchasing tea at 10s. per lb. did not pay a heavier duty than the purchaser at 2s. 6d. per lb? It depended entirely on the bad mode practised of late by the parties who had the choosing of collectors. There would be no difficulty whatever in collecting *ad valorem* duties if men of sense and honesty were employed in the collection; but if they employed blockheads and dishonest men such duties could never be collected. He would put this as a general proposition—That any system, or view, as to economy, or any plan of retrenchment that did not adopt as its main element the putting of the best men in every place under Government, would be a delusion and a snare. There were many taxes which were a source of loss rather than of profit, costing more in the collection than they produced. He alluded to Wat Tyler's rebellion, and the tithe struggle in Ireland as proofs of the evil effects of a bad system of taxation. The best mode of taxation was that which was least expensive in the collection, and interfered least with the means of earning a living. The principle of the division of labour was good between nations and nations, as well as between individuals of the same nation. No country ever did or ever could prosper without it; and all customs' duties were so many hindrances. India grew cotton—we could not; but we could spin it better than the Hindoos; and thus, by division of labour they got ten times more cotton manufactures, and at a much cheaper rate than they could manufacture for themselves. The accumulation of capital was also important,—and to this income and property taxes were discouragements. There were two sides to this question of taxation, and it behoved all to take that which was best for the community at large.

Mr. C. H. Parkes admitted that, theoretically, direct taxation had great advantages over indirect taxation. The increased cost of commodities to the community by reason of the duties imposed upon them, was a point for serious consideration; but, considering the accommodation afforded, and the information supplied to the mercantile community and others, such duties were of very slight inconvenience to them. Looking to the particular circumstances of a particular country, they would find that very serious evils might result from raising the whole of a large revenue by means of direct taxation only. One of those evils would be the advantage given to foreign countries, by inducing manufacturers to remove their establishments to other countries in which there was not so enormous an amount of direct taxation. In a country such as this, where such a large amount of revenue must be levied, they could not rely on direct taxation only, and it would be unfair to rely upon it for seventy millions annually. If they did so, and took off the whole of the indirect taxes, they must either throw it entirely upon property, or increase the income tax, by which increase they would get again the evil from which the late reductions had relieved them,—viz.,

that of evasion, the temptation to which was less when the rate was very low. The question could hardly be discussed as one of principle now. What they had to consider was how best to reform the present system. There were still many taxes which required amendment. Several of the stamp duties were excessive in amount; and there were others which were unequal and oppressive; whilst some would be more productive if reduced to the lowest rate.

Mr. Wilson said the great difficulty in the way of direct taxation lay in the restricted nature of the land laws. Society lived, as it were, on a leasehold system, the land belonging to so few individuals; and until the people could get land and houses of their own, they would naturally object to direct taxation.

Mr. E. K. Muspratt thought they had some data proving that the superiority of direct to indirect taxation was practical as well as theoretical. In the United States of America the local taxation was all levied directly. In the State of Massachusetts that taxation amounted to 1 per cent. on property.* Now, the property of the United Kingdom was variously estimated at from seven to ten or twelve thousand millions; but, taking it at the lowest estimate, 1 per cent. on that, the amount levied in America for local State purposes only, would give us 70 millions. Would it be better for the States of America if each of them levied its local revenue by means of custom-houses on its own frontiers? He asked any American whether he thought his country would have made the progress it had if any such system had existed? The fact was that the home trade down the Hudson to New York, was greater than the whole foreign trade of the country, and that was owing to the existence of custom-houses in the one case, and their absence in the other.

Mr. Heymann (Nottingham) said that until the people were educated to the extent that Mr. Jeffery wished, the custom-house could not be done away with; —they must have indirect taxation. They might reduce the number of taxed articles as much as they could; but that would not do away with indirect taxation. Until the people were educated,—until they arrived at a sort of millennium, they must have a mixed system, though it would be well, in the meantime, to make the number of customs' duties as few as possible—they must all arrive at that conclusion. He had attended these discussions for nine years, and he was convinced that if they wished to reach the people they must have some sort of indirect taxation. His experience had shown him that there was more drunkenness amongst the working classes, and that fewer of their children were sent to school, when wages were high than when they were low; and it might be taken as a rule that when wages were highest there was most drunkenness, and the greatest number of police cases for the magistrates.

Mr. Holland dissented entirely from these conclusions, contending that the more they elevated the working classes and improved their condition, the more they would benefit the country at large.

The Chairman said that he had to thank the gentlemen who had taken part in the proceedings, both for the moderation with which they had expressed diversities of opinion, and for the very valuable information that had been laid before the section. He was much pleased with the remark of Mr. Jeffery that no government could go beyond the point to which public opinion was educated. When first this question of tariff reform was raised there were 1,280 articles subject to customs' duties, of which 800 did not pay the expense of collection. Through the labours of Mr. John Macgregor, Mr. Porter, and others, they were reduced to 400, and these 400 had been since reduced by at least seven-eighths. There might be room for still further reduction; and he thought that the facts that had been laid before them went far towards the views of the Financial Reform Association.

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* According to the American correspondent of the *Times*, the rate of taxation in Boston, exclusive of that collected by the general government, is now *one and three-tenths* per cent. on the valuation of real and personal property in that city.

THE BANK CHARTER ACT.

"Does the Bank Charter Act need modification?"

In addition to the papers by Mr. Aytoun and Mr. Edwin Hill, which will be found at pp. 659, 672, papers were read by Mr. Alfred V. Newton, Mr. John Mills, Mr. Rigby Wason, Mr. James Innes, Mr. George Anderson, and Mr. Nunn.

Mr. Newton described the nature and operation of the Bank Charter Acts, and the crises that had occurred periodically, and considered that in discussing the question we should bear in mind these facts: First, the amount of our currency is practically limited in extent: Second, the tendency exists for it to contract, instead of expanding, as credit is curtailed: Third, while the issue of notes decreases in amount, Bank of England notes are held in increasing quantities in reserve, or out of active use: Fourth, the normal state of our commercial transactions is a steady increase: Fifth, increasing credit is an essential condition when increasing trade is coupled with a limited amount of currency: Sixth, a deficiency of currency begets distrust, and distrust a panic: Seventh, provision made for increasing the supply of legal tender currency instantly arrests a panic.

With these facts in mind, it would appear that what is required is a circulating medium that will expand and contract according to the requirements of commerce, the supply increasing like other commodities, as the demand increases, and decreasing as the demand decreases. To secure this end he now proposed to introduce a supplementary currency, which should in the first instance be very limited in its operation, time being required for it to gain public confidence. So far from interfering with the operations of the Bank of England he proposed to use that corporation as a kind of commercial barometer for indicating when and to what extent the new currency should be introduced. When the rate of discount rose to a given point indicating pressure he proposed to bring into action the supplementary circulating medium which might be called "home currency," as that would designate its special use. The home currency should consist of notes bearing an impress of their nominal value in gold, and they should be made a legal tender, but unlike bank-notes, they should be legally inconvertible so long as they remained in circulation. The notes should issue from a department of the Government, and be advanced as loans bearing a fixed rate of interest determined by the market value of money at the time of their issue, the loan being terminable at the option of the borrower at any time within a limited period, say of twelve months. Proper security in the shape of readily convertible property must be taken to guarantee the return of the notes or their equivalents in Bank of England notes or gold, together with the accumulated interest due thereon. The action of this supplementary currency might be thus briefly explained. Supposing at the outset the issue of the home currency

to commence when the minimum rate of discount at the Bank of England is say five, six, or seven per cent., it is manifest that so soon as the money market becomes easier and the rate of discount falls below some one or more of the varying rates at which the home currency notes were issued, the return of these notes to the department will commence and the mortgage debts bearing the higher rates of interest will first be cancelled. In the meanwhile the country would be supplied with an efficient substitute in the increased circulation of bank notes payable on demand, and issued in consequence of the return of gold to the cellars of the banks of issue, or by that far more efficient, because more extended, means of commercial interchange, created and maintained by mutual confidence, and termed by Mr. Hubbard "banking expedients."

It would of course be understood that the profit on the transactions of the new issue department would be placed to the credit of the country, and he believed that it would ultimately form no mean addition to the resources of the Chancellor of the Exchequer. By this means Mr. Newton submitted, that without deranging the mechanism at present in operation for maintaining the bank note at its full value, an elasticity in the currency would be ensured which would render it possible to obtain discounts to any desired amount without the possibility of a redundancy of paper money being thrown into circulation; and, considering the immediate beneficial effect of the report of the suspension of the Bank Act in the years 1847, 1857, and 1866, it was reasonable to believe that the mere knowledge of the fact that an ample supply, although perhaps at an ascending rate of interest, might be obtained on the deposit of proper securities would in itself go far to prevent the recurrence of commercial panics.

Mr. Mills acquitted the Bank Charter Act of any share in the origin of the late panic, which he maintained had been caused by our prosperity during the American war, and the schemes which were concocted under the Limited Liability Act. The panic was one which had especial regard to instruments of credit, and was not a demand for gold in exchange for notes. It would scarcely be questioned that the bank note, endowed with the prestige which it had acquired, was admirably fitted for administration in times of crisis. No parliamentary enactment could save the country from the occurrence of panic. He did not think that the necessity for an occasional suspension of the Bank Act was any more a proof of a flaw in it than was a temporary suspension of *habeas corpus* a proof of the impolicy of that enactment.

Mr. Wason commented on the impropriety of mixing up in legislation the two subjects of banking and currency. Keeping them distinct, and inquiring first what the law on currency should be, Mr. Wason maintained that, looking to the sole reason for any such law, which is to take care that the currency, whether of metal or of paper or of both, be as faithful a representative of the measure of value as is possible, it is absurd to entrust its administration to a joint stock company, whose directors, thinking only of the interests of their

shareholders, must contract or expand the currency to suit the exigencies of the company; as in fact they had done. At those periods both of expansion and of contraction, the currency, whether of metal or of paper, ceased to be that which it ought to be, the representative of the measure of value, and became the measure itself, increasing or decreasing the value of every man's property. The first remedy, is to repeal so much of the Bank Acts as give to the Bank of England the monopoly of issuing a paper currency which is a legal tender, and that the government should itself perform that which is one of the primary duties of all governments, namely, take upon itself the regulation of the currency, whether of notes or of coin, and issue government notes at the Mint, precisely as it stamps the sovereign or the shilling. The law respecting banking should be based upon the principle of free trade, allowing every party, either as individuals, or a joint-stock company, with not less than a certain amount of capital, to commence banking, and compelling every banker proposing to issue notes, to deposit at the Mint Consols for the amount of notes he creates, with an addition of 10 per cent. to cover any depreciation in such stock—the interest of which the banker would receive—such local notes being payable on demand in National notes, as they are now paid on demand in notes of the Bank of England. The result would be, that the holder of any note of a bank which had closed its doors in Caithness, or the Land's End, would receive the amount from the Mint within forty-eight hours after the bank had suspended payment. Paper (if its liability to abuse from over-issue were guarded against) formed a far better domestic currency than gold, not being an article of commerce, and being much cheaper. Mr. Wason considered that no one could object to the abolition of the bank monopoly in issuing notes; and proposed that the Mint should be empowered by Parliament to issue notes not exceeding forty millions in value against the revenue, which is between sixty and seventy millions, such notes, as well as the measure of value, viz., gold coin at £3 17s. 10½d. per ounce, to be a legal tender. The only objection which could be made to such a plan is that the Mint note not being convertible into gold, would be liable to depreciation, in other words, would cease to be a faithful representative of the measure of value. He considered that this would be impossible, for various reasons; and he summed up his arguments for the proposal as follows: First, that convertibility of the note into gold is not *the end* desired to be attained, but only *a means;* the desired end being to prevent the possibility of the depreciation of the note: Second, that convertibility of the note into gold has, with few exceptions, been effectual in preventing the depreciation of the note, but has often afflicted upon the industrial classes the appreciation of the note: Third, that it is far more important to protect the public from an appreciation than from a depreciation of the note, because the former, as indicated by an usurious rate of discount, drives our merchants, manufacturers, and tradesmen, to insolvency and bankruptcy, and often limits, and

sometimes prevents the working classes from obtaining that employment by which alone they can procure wages to get bread for themselves and families, while a depreciation of the note only curtails the profits of the rich: Fourth, that it is therefore the duty of Government to try any plan which shall hold out a fair prospect of attaining the desired end of preventing the note from being either depreciated or appreciated: Fifth, that the mode proposed is analogous to the case in private life of a nobleman with a rental of nearly £70,000 issuing notes to the extent of £40,000, such notes being the first charge upon the rental: Sixth, that it is analogous to the mode adopted for many years back by Prussia, Saxony, and other German kingdoms, of issuing State notes not convertible into gold—which notes have never been depreciated. Mr. Wason maintained that under such a law there would be very little fluctuation; neither would the rate be very high or very low, for there would be always sufficient currency for the public wants; and as hoarding would be unnecessary, the rate of discount would be regulated solely by the law of supply and demand of loanable capital in the discount market. Panics would never arise, for they are caused by a general want of confidence, and not by over-speculation in particular trades. The financial benefit the country would receive from the adoption of a national note not convertible into gold, although of very secondary importance to the relief given to the industrial classes, would yet be considerable, and would strike forty-four millions from our national debt, causing an annual saving of £1,320,000.

Mr. Innes looked upon the subject not as one of currency, but rather as one of diminution of capital. A commercial crisis was entirely a question between borrowers and lenders; and the late crisis was caused by the investigation which capitalists made into the question of the extent to which money was required to carry out the various undertakings which were put forward. Whilst the transactions of the country had increased to an enormous extent, the same amount of currency had sufficed to carry them out. In the railway interest alone they saw an immense increase of fixed capital, and the same was true of docks and many other large works. If more currency was wanted, it was exceedingly easy to buy it, by a diminution of trade. The avoidance of crises could only be secured by greater information and more conscientiousness on the part of the borrowers.

Mr. Anderson, after remarks on the history and nature of the bank legislation, laid down the following postulates, as the basis for a scheme which he propounded:—That England not being a gold producing country, can only obtain gold by paying for it with other products of her labour, the prices acting and reacting on each other, according to the varying plenty or scarcity of each: that to compel the State bank to buy all gold offered, at a fixed price, without regard to the wants of the country, or the price of the commodity in the markets of the world, is very impolitic, because it increases a glut and aggravates a famine; it is also unjust because its effect is to

provide the foreign trade with cheap gold at the expense of this country: that those who want gold, whether for home use or for foreign trade, should be left to buy it with other products, wherever they can get it cheapest: that their having to do so occasionally at an advanced price, would be a very small evil, compared with the present system, which sacrifices the home trade, and depreciates all the property in the country, on the false pretence of maintaining the convertibility of the bank note: that the banking monopoly, established by the present system of note issue, is always injurious, and often ruinous to the best interests of the country, and should therefore be broken down: that gold reserves compulsorily held by banks for securing their note issues are not available for securing any other part of their liabilities, and therefore if notes can be secured in another way, the use of that gold is at present entirely lost, and might be gained to the country: that the issue of coin is a State prerogative, and that the issue of paper-money to take the place of coin, should be likewise a State prerogative: that paper-money maintaining its value with gold depends, not on a gold reserve, but on public faith in the solvency of the issuer, and, therefore, on the paper being issued in moderation: that paper-money which the country is to receive with faith, would be best based on the guarantee of the country itself: that the country guaranteeing the paper currency, and the general public using it, and creating a profit thereby to the issuer, that profit should form part of the public revenue: that the country bearing, as it does, the loss and expense of the metallic part of the currency, gives an additional reason for its retaining the profit of the paper part: that a paper currency, issued by the country for its own use, should be so abundant as fully to meet all the requirements of internal trade without regard to the influx and efflux of the precious metals, but it should be under such control as inevitably to prevent its depreciating from the standard of the gold coinage which circulates along with it: that the Prussian plan of limiting the issue of State paper to the amount of a year's taxation would sufficiently prevent excess, but that a scheme of self-adjustment would be more advantageous: that such a scheme is attainable through the very simple means of the interest-account system, which is the distinguishing feature of Scotch banking.

The scheme, founded on the foregoing, was as follows:—

To establish a National Bank of Issue that shall be free from all trading interests, and strictly under the control of Parliament. This establishment to have no other function than the management of the National Note Issue, for which purpose it must have its head office in London, with branches in Manchester, in Edinburgh or Glasgow, and in Dublin or Belfast, and if found expedient, to be subsequently extended to the colonies and possessions. It should have no accounts except with bankers, and no transactions except in even sums, and large amounts. It should issue notes of all the usual values, certainly down to £1 and even to 10s., if the public were willing to receive them at par. The present issues to be gradually withdrawn, say at the rate of 20 per cent. per annum, thus falling to be extinguished in

five years. Trade in banking to be perfectly free, but bankers desiring to use the new issue to deposit with the State bank an amount of government securities (certified to be part of their real capital and not borrowed money), within the margin of which deposit they would be at liberty to draw out and pay in notes, varying their balance as they found they could profitably employ a larger or a smaller amount. The bankers depositing securities still to draw the dividends on these, but on the other hand to pay to the National Bank 3 per cent. per annum for the hire of the notes; the hire to be charged as interest on the daily balance of the account, as a certain means of preventing excess of issue, and to be paid yearly, in gold, as an additional means of keeping the issue at par. The National Bank to publish the state of its issues weekly.

DISCUSSION.

Mr. Holland (Liverpool): Condemning as I do the Act as an unmitigated evil, I for one proceed to say that it is incumbent upon the supporters of that measure, to adduce any single instance in which it has had a beneficial effect upon the trade and commerce of the community. As to its having had effects of an evil tendency, and of a magnitude which can hardly be estimated, I think that is too apparent. The fact that since the Bank Charter Act was passed you have had consecutively three panics, in 1847, in 1857, and in 1866, which have ruined numbers of the community, have swept away a great deal of capital unnecessarily and wasted it, and have been the cause of untold distress, shows that: and I am glad to see in this room a gentleman who I am sure can corroborate all that has been said in this respect, he himself being one of the largest capitalists trading in London, and one therefore who has had the greatest opportunity of convincing himself of the facts I now state. I have heard nothing from the advocates of the Act which can in any way recommend it to the acceptance of the community. If you develop first principles in banking, you come somewhat nearer to what ought to be the basis of all banking institutions. I dismiss at once all attempts to tamper with the currency of the country, or to bolster it up: I go upon the principle of Adam Smith, that so long as you insist by law upon the convertibility of the bank note, you may leave perfectly unfettered all banking institutions. You may let them issue what notes they please with a perfect certainty that those notes will not be an evil, but a great benefit to the community. The more banking institutions are founded upon this principle the better it will be for the country. I think it is pretty well understood that when a crisis occurs, government will always step in, and therefore the provisions of the charter are virtually a dead letter. Whenever it has come to the point that the bank cannot meet its engagements, the government steps in, in order to prevent universal ruin. We are not going upon theory. I am bringing before you not merely the theory advocated by the father of political economy, but a system which has been in operation in Scotland for upwards of one hundred years up to 1835, when the first restrictions were imposed upon the Scotch system of banking. I say you have a case in point, an illustration which cannot be gainsaid. The Chamber of Commerce at Glasgow has made a strong appeal to the Chancellor of the Exchequer very lately that he should issue a commission of inquiry into the whole matter, and the principles which they have put forth are those of perfectly free banking. I remember talking to some Scotch friends on this subject, and I said: "How do you prevent an over-issue of notes?" The reply was, "Why, the bankers meet every week in their clearing house. If one bank had over-issued, it would at once be made palpable and clear, and the notes would be pitched back upon them." Over-issue is a perfect fiction, and you have the deposit system established during the last century in the most perfect form. Currency is the merest bagatelle, the most infinitesimal part of that which forms the mercantile basis of the community. What is the £30,000,000 compared with

the £200,000,000 or £300,000,000 of deposits constantly at short dates? How many bank notes do you suppose are used per day at the clearing house, where they clear £5,000,000 daily? Why not exceeding £100,000. It is the merest bagatelle, and it is a fallacy that has been raised in this question to talk of the currency of the country. The fact is, that the great evil which affects the whole credit system of the country, which lies at the very root of it, is the monopoly of the Bank of England. So long as you persist in having a monopoly, be your trade banking, selling corn, gold, or anything else, so long you violate the first principles of natural laws, and so long you will have an aggravation of all the evils which attend human affairs. When the time of retribution arrives, when we have to pay the penalty of wild riot, then the very thing on which we were told to rely gives way, and the Bank aggravates the panic in order to bring back the gold into its coffers. I contend you must entirely reverse your present system, and have free trade in banking. Any gentleman who has been in New York knows what takes place. I am not talking of "green backs," but of the banking system of New York as applied to the returns of the banks of New York. By the Act which was passed a few years ago, establishing one uniform law, all those banks may issue what notes they like, not exceeding one-third of their capital; provided they lodge with the Master of the Mint a corresponding amount of state or national securities, they are allowed to have an equivalent of 90 per cent. stamped and handed to them. That forms the currency of the country. Their banking system appears to be far sounder than ours. Did any gentleman who banks ever find a difficulty in getting gold? The banker sends to his gold broker. But the bank monopoly throws upon the Bank of England the necessity of its being the sole store-house for gold. If you have a system of free banking, make every bank hold its own gold, and make every banker responsible for his own engagements.

Mr. Samuel Morley said: I wish I felt it to be as easy to suggest a remedy as it is to condemn the present system. I am utterly unconscious of wanting one atom of additional capital in the conduct of my business, but I represent a class of houses who are subject to an enormous, and, as they believe, an unnatural increase of expense in the conduct of their business. They are traders who do not invest the balance of profit in acceptances, in bullion, or in bank notes to meet contingencies that may arise, but either buy land or erect additional warehouses or factories, and get more machinery with a view to extend their business. I hold it to be perfectly legitimate in a great commercial nation that we should through the legislature arrange for such a currency as shall be safe, limited, and yet free from the rapid and destructive action which we have so often witnessed. My complaint against the present system is that with 90,000,000 of sovereigns in circulation, the sudden abstraction of two or three millions of bullion from the coffers of the Bank puts the trade of England into a state of paralysis. Those are strong words, but I believe them to be true. Any one who recollects the agony of suspense through which the traders of the country were carried in 1847 and 1857 must surely think it worth while to find some remedy for that state of things. I believe there ought to be, and there is to be found some such remedy; and if we want a justification for considering this question, surely we have it in the fact that three times letters have been issued as distinctly condemnatory of the present system, as if the House of Commons had determined to kick the Act out of existence. At the very period when it has been wanted it has failed us. We do not care about the Bank Charter Act to-day. Our danger to-day lies in the competition between the Bank of England and Lombard Street, in discounting bills. I tremble, because we may have a low price as unnatural as the high price lately has been. Having no nostrum of my own, and protesting against the despotism of those who have nostrums, I have been looking at this Act for years and trying to get earnest men to grapple with it. We have got rid of laws restraining commerce; we have relieved trade from the interference of legislative enactments which hindered and impeded our progress; but I hold that all the laws put together have not had such an effect upon the happiness of the people as this Bank Act has had. I believe more hearts have been broken and more misery occasioned by that Act than the result of all other commercial legislation together. I have been enriched, and men of means and

position have been making money by this system. The Governor of the Bank of England told the proprietors a fortnight ago that no firm that was able to exhibit a balance-sheet commercially sound had applied for assistance without obtaining it. But the class of persons for whom I speak are unknown to him. Small traders are regularly and systematically destroyed by these incessant seasons and periods of panic. The whole of 1864 was a year of semi-panic. Within the last two or three years there have been twenty periods when dealers in money have said: "We have plenty but we cannot quote a price." Now 8 or 10 per cent. to people who are A 1 means 15 or 20 per cent. to small traders, who are absolutely drained of the means to carry on their business. As a question of public morality as well as of commercial soundness, we are bound to look at this question seriously, and apart from personal interest. I contend that over-trading cannot be charged against the traders of this country of late years. Allow me to read a very brief extract from a speech made by Sir R. Peel, which I find in the *Banker's Magazine*, May, 1844. I do not impute in the slightest degree a motive on the part of that man of whom I have the most exalted opinion, but to show that not a single prediction has been verified. He said: "To me it will, therefore, be a source of great personal gratification if I now succeed in inducing the House to agree to a measure calculated to give additional stability to that which Parliament adopted in 1819, and to prevent those fluctuations so dangerous to commercial enterprise. . . . should I have contributed in any material degree to prevent a recurrence of those calamities which have marked the last twenty years, such as the panics which occurred in 1826, 1834, and 1839. When I see the danger arising to the Bank of England having recourse to foreign establishments; when I look at the fluctuations which have taken place in our currency defeating all the calculations upon which commercial enterprise could rest; when I recollect that that amount is no test of the suffering and anxieties of the humbler classes, . . . when I recollect the ruin that has been occasioned, my gratification will be of the highest and purest kind, if I prevail on the House to adopt a measure that will give steadiness to the character of our resources, which will inspire confidence in the circulating medium, which will diminish all inducements to fraudulent speculation and gamblings." There is not a single thing here that has not been falsified. We have had more speculation, and more rapid changes in the price of money. What greater proof can there be than that when the Bank did choose to lower the rate it fell in a single month to five per cent.? If money be a commodity just as our silk or cotton is, I ask any trader in this room what article is there that he has ever dealt in or that he can ever conceive of, that has altered its price in one month 50 per cent.? It is against all reason. If there is any one thing which commercial men need it is a steady state of the money market. When men have transactions which require three or four months for development, you may defy them to tell you the state of the money market at the end of that time. I do not believe you can make it steady by Act of Parliament, but I protest against any legislative interference with the monetary laws of the country, which puts us into any danger in that respect. When cotton was a thousand times more important than gold, and the nation was sending silver to India to get cotton—and surely in this country that must have been felt—what did we see? A man writing in *The Times* that if this efflux of silver to India (which was to bring back this priceless article to us) was not stopped, the Bank would have to refuse to take bills for discount that had more than sixty days to run. Now such an announcement as that was calculated to strike terror into the hearts of thousands of traders, and I protest against it unless it is felt to be an absolute necessity. We may increase our trade returns, and give the Government every reason to boast of our exports, but I believe there is a canker worm eating into the mass of the trading classes. Large houses are making fortunes, but small traders are being gradually extinguished. I do not want to affect a sympathy with small traders, but I have looked with regret upon the fact that you are intensifying the value of capital. It will win the race under any circumstances, but I protest against the law that throws such a force into the hands of those who possess great means for conducting their business. At this moment the state of things is this: four years ago the reserve and bullion in the Bank of England were the same as at this moment

and discount was 2 per cent.; but I defy you to tell what will be the case two or three months hence. My own conviction is that we want a domestic circulation. I can conceive of nothing that does not give us—not capital for our business, but the means of paying our differences. The whole trade of England is an enormous trade of barter. We are trading in cotton, and silk, and iron, and all conceivable articles, and that is the real trade of the country. All this is interfered with enormously. I do earnestly press upon earnest men in this district to look upon the question as they have not hitherto done, and try whether we cannot—not insist upon our own particular theory, but try to get some systematic investigation which shall give us the largest amount of remedy for what I believe to be an absolute curse, instead of a great blessing, to the country.

Mr. Langford: The trade of the country is for the most part somewhat indebted to the resources of the Bank of England, but there have been periods when it was the other way, when the public have had more capital lying in the Bank of England than they have borrowed on their securities. At other periods, of course, there has been an extraordinary pressure by the mercantile public upon the Bank of England. That is not owing to the state of the law, but to the excessive activity of our merchants which induces them to trade beyond their means. I think we ought to look upon that as one of the elements of this matter; we ought above all things to protect the convertibility of the bank note.

Mr. Anderson: There are 31½ millions of notes, against which not a single sovereign is held. It was quite impossible for an over issue of notes to take place in Scotland previous to 1844, but the reason is not entirely that the banks met every week; there is a deeper and stronger reason than that; it is, that all over Scotland there are branch banks which take in deposits from all and sundry and small traders' accounts, and allow interest not only on the deposits, but on the daily balance of the traders' accounts. If any one reflects upon that he will see that is impossible for an over issue of notes to take place. Every trader is bribed as it were to take in any superfluity of money whenever he has it. I wish to adopt the same with a national or state issue, charging the bankers 3 per cent. for the hire of all notes given to them, and upon the daily balance they keep out, so that it shall be an object to keep out as little as possible. This would thoroughly economise the currency, but, if necessary to do it still more, it might be done by requiring that those bankers who get the use of the currency so cheaply shall carry out this system of daily balances to their customers, so that every man in the country should be interested in economising the currency. I believe it would then be impossible for notes to lose their value in any way.

Mr. Innes: By "currency" I consider is meant coin and the notes payable on demand. The contraction or enlargement of our currency I have never looked upon as causing either a rise or fall in the rate of interest. I have considered the question as one affecting the prices of commodities which have been measured in them. With regard to extending the currency, if at the time of the crisis anybody of intelligence, such as Mr. Morley possesses, could have come forward and shown how it was to be done by a mere issue of paper or the printing of obligations, which could not be fulfilled, or by any easy act of that kind, what a benefactor to the country would he have been who could in an hour or two correct the mistakes of months or years! I think the public would hardly be so blind as to refuse that easy correction. The anticipations of Sir R. Peel have not been realised to the fullest extent, but we have had this very happy change—the Bank of England has stood in a stronger and stronger position. The Bank of England this year said to the Government, "We ask no assistance for ourselves, but if you wish us to come forward and give assistance to the commercial community we are ready to do it;" and then the idea was thrown out that that letter would be required. But there was no difficulty at all existing on the part of the Bank of England. My idea with regard to the rate of interest is, that it is not paid from currency except so far as currency is a proportion of the capital of the country, and that is infinitely small, but it is paid for the use of capital, and in these crises to which attention has been directed it is lost sight of; therefore, upon the immense bulk of capital which there is in the country there is scarcely any fluctuation in the rate of interest. The change in the rate of interest was simply upon the floating capital which had been accumulated in

exaggerated quantities by those who were anxious to get it. I hold that a commercial man who is engaged in commercial transactions is bound to have his own proper reserve, and supposing he chooses to invest his means in land, it should be his surplus means and not such an extent of his means that when difficulty comes he is not able to get the floating capital he wants, and that then he should turn round and ask the nation to come forward and help him.

Mr. WASON: The contraction and expansion of the currency, which the last speaker does not understand as operating on the rate of discount, operates on the rate of discount in this manner: as soon as the Bank "draws in its horns," as it is called, after having induced the country to enter into those unwise speculations, then the contraction of the currency necessarily arises from every banker in London and every large merchant immediately hoarding. In Mr. Dunning M'Leod's last work you will find it stated that in one panic one bank alone had £1,200,000. Whatever is the rate of discount we must bear it cheerfully, but do not let it be tampered with by the monopoly of the Bank of England. That the rate of interest on landed property never varies is to my mind a proof that you have a tampering with the laws of the country.

Mr. LANGFORD: I think the last speaker has forgotten the difference in the security. We have a notion that the green field is the best security we can have.

Mr. AYTOUN: With regard to the question before the section, it is extremely difficult for those who are in favour of the Act to answer the diverse statements of their opponents. Every person who has spoken to-day has objected to it on one ground or another, but made no proposition as to the exact changes which ought to be adopted. I admit most fully that the sole test of a good currency is that it should be, what Mr. Cobden said it should be, viz., that the amount of the currency and the price to be paid for it should depend, like every thing else, upon the demand and the supply. That is the principle and the ground on which I and others have undertaken to support the Act of 1844, because it has introduced entirely the principle of demand and supply. It does not allow the Bank to manufacture promises to pay, and to throw a quantity of money into the supply, thus increasing it, and at another time to withdraw it, thus diminishing it. Mr. Morley seems to think you should put down the monopoly of the Bank of England. This is my opinion too. The Bank of England has no power of unlimited issue as it formerly had and its monopoly has been diminished by that Act. As for those who wish to introduce an inconvertible paper currency, what would be the consequence? We should not be able to deal with the Continent. We cannot send out our paper, our trash, our promises to pay. We are not dealing with England alone but with the whole world, and we must have a currency which will do for our transactions with the whole world. Mr. Morley said Sir R. Peel had failed in his anticipations. He certainly did in one respect. He thought that the Bank of England at one time would manage it better; but he has completely succeeded in the great object he had in view, which was to prevent monetary crises. [Mr. Morley: Surely they have been intenser ever since.] Allow me to explain. There are two sorts of crises. A monetary crisis is confined to a run for gold. I say Sir R. Peel's Act has completely succeeded in putting that down. There has not been a shadow of suspicion against the bank note since 1844. We know that everything has been relieved by a simple suspension of the Act; but if it had not been for the Bank Act, and we had gone on encouraging speculation after speculation as we always did before, the crush would have come at last but it would have been ten times as fierce.

Mr. E. HILL: I am, unfortunately, compelled to disagree with the facts which Mr. Aytoun has laid before the section, as I did this morning with his inferences. Lord Ashburton was sent for to consult about the Bank in 1825. He said there was no want of anything, but that the mechanism of trade was thrown out of joint by the want of currency. It was found that in the Bank of England there was a large number of £1 notes that were intended to have been burned, but which had not been burned. The Bank was told to issue those, and see what they would do. They did so, and the panic disappeared like the mist when the sun rises. [Mr. Aytoun: It was gone before; it was exhausted.] The

panic of 1837 is equally instructive. There was nothing in the country to call for a panic. When any failure comes, such as a failure of the harvest, the auxiliary currency loses its value, and it is of much greater extent than the legal currency. From inquiries I have made, out of numerous transactions on the Stock Exchange, to say that one single pound in a thousand is actually paid in currency, is an over-estimate. The other £999 is paid in cheques and transfers; and, when confidence is shaken, this great auxiliary currency loses its efficiency, and, in a measure, we are just as badly off as if the Bank of England could only pay 10s. in the pound. To look for an importation of gold to remedy our shortcomings is very mistaken; but instead of helping us, it actually robs us. During the twenty years of the war we had no gold currency, but sent out all to pay our army: therefore the facts are entirely against Mr. Aytoun.

Dr. Hodgson: The results of previous experience of such discussions have been confirmed to-day. The subject is one which requires careful thought and accurate expression, and, therefore, by reading papers on which thought has been bestowed, the speakers would have done better than to deliver their sentiments in an extempore manner, thereby using expressions more or less vague. Time does not permit me to do more than glance at one or two prominent opinions. I have noticed two things in regard to this debate. The first is, that those who oppose this Act have contented themselves with bringing against it general charges without, as I think, an atom of proof, without an attempt to connect the phenomenon complained of with that which is alleged to be its cause. It has been thought sufficient to enumerate, or allude to, certain crises and panics and financial derangements which have occurred since the Act of 1844, and to jump at once to the conclusion that that Act was the cause thereof. Another thing which I observed, which is not less pregnant with suggestion, is this—that however cordially the opponents of this Act may agree in denouncing it, and upon that it must be confessed that they do agree cordially, the moment they begin to propose a system as an alternative, that moment do they fly widely asunder, and scatter themselves to all the winds of heaven. I wish to ask this question: "What does the Act of 1844 do with regard to the Bank of England more than the Bank of England would do of itself if it were a wisely-conducted bank?" It has the charge of a certain amount of capital to lend out, or dispose of for an advantageous return. It is not capable of meeting an unlimited demand. When the demand becomes greater at one time than at another, what is it to do? Is it to cease to supply accommodation, or is it to supply at a higher interest? This is, no doubt, a hardship upon those who are unable to pay the interest; but Mr. Morley told us that no firm, when credit was required, had any difficulty in obtaining it. The hardship fell upon those who were new and young in business, who were without a large capital and without a well-established credit. Will Mr. Morley, or anybody else point out any plan by which young firms can get accommodation on easier terms than firms which are well established and have good credit? The Act has done nothing more for the Bank than for men of Mr. Morley's condition. It will be asked, "Why does the law thus step in?" It is a diminution of the bank monopoly in the same way that the license of a public house is not an extension of its liberty, but a diminution of it. It is subjected to certain rules and regulations. They seem to forget that the Bank of England note is a legal tender. If not, if we were at liberty to accept or refuse it, we should have some show of reason in the argument which objects to the interference of Government. We are told that it would be much better to have a system of free banking. I should like to know what they mean by that? There are great differences amongst those who use that marvellous shibboleth. Are we to be obliged to take those notes, or are we not? ("No, no"). Very well, I will take either horn of the dilemma you like. If they are to be taken by compulsion, there must be some precaution on the part of Government that those notes shall be solvable. If they are not a legal tender, what do they do more than that auxiliary currency which we have been told about by Mr. Hill, and in which we are also told that the great mass of the commercial transactions of the country are from day to day conducted? It is singular that the very persons who dwell most upon the disastrous effects of the

Act of 1844 upon the national currency are the very persons who tell us that the currency is after all but a fractional part of that great machinery of credit by which the commercial transactions of this country are carried on. Mr. Hill, in his paper, assumes that there are only two ways in which a financial difficulty can arise—one, by a want of capital, and the other by a want of currency. But what do we mean by that want? Do we mean a want of capital in the country at large? Not necessarily at all. What are those difficulties? They are on the part of individuals. The difficulty is not that the Bank cannot meet its engagements, and that the Bank must step in and repeal its own Act. How is it that the traders of the country are unable to meet their engagements? When half-a-dozen or fifty or a thousand traders are unable to meet their engagements, what is it that is wanting? Mr. Aytoun says it is not currency. I ask you, is it capital? It is simply an inability to meet engagements which ought never to have been incurred. It is precisely the case of many unfortunate people who go about unable to get their daily bread. Is there a want of bread? Not on a large scale, not in general, not in the nation. The want is in their individual selves. The real difficulty is a want of proportion between the borrowers and the lenders not a want of capital in general, but a want of ability in certain persons who have incurred engagements to provide the capital or the currency to meet the engagements which they have incurred. With reference to the schemes that have been offered, it is impossible to attempt to argue against them, there is such a variety and inconsistency in them. I will merely say that nothing shows to me more strongly the weakness of the case of those who would attack this Act of 1844, than the fact that they differ so widely, so irremediably amongst themselves when they come to speak about the substitute they would offer.

The Chairman (Mr. Malcolm Ross) said: I think the subject has been almost exhausted for the present. The differences of opinion that have been expressed prevent me from the possibility of detailing them or coming to any conclusion upon the matter. There does seem to me to be a general conclusion in favour of the question, "Does the Bank Charter Act need modification?" There is not a single speaker who has declared himself favourable in all possible respects to the Act. Perhaps Mr. Hodgson went as far as any of them in his approval, but even to him there seemed some little misgiving as to whether it was or was not a perfect piece of legislation. I will therefore assume, unless Mr. Hodgson is disposed to move to the contrary, that this meeting is really of opinion that the Bank Charter Act needs modification. I am afraid that until we are a little more agreed as to the points in which it may be modified, we must have further discussion, more squaring off the corners of our opinion, and a little more reconciliation of some minor differences which certainly give a great handle to those who are opposed to improvement. As to panics, I believe there have been as many differences of opinion as there would be panaceas for their remedy, and until there is some better conclusion, something more definite and tangible, we must be content to discuss this question at another time and at greater length.

THE NATIONAL DEBT.

Is it expedient to adopt means for Reducing the National Debt; and if so, what means?

The paper by Mr. Frederic Hill on this subject is printed at p. 681.

DISCUSSION.

Mr. F. J. Wilson: I think the prospect of liquidation prepared by Mr. Hill is a long way off, and any suggestion that can be offered which might in any way shorten that period would not be unacceptable. There was a very excellent discussion on the Bank Charter Act, and it was then proposed that the Government should pay off those £15,000,000 of notes. I must go into other subjects

for the purpose of elucidating the idea I wish to convey on this subject. If the Government were to pay off £15,000,000 of the national debt and issue notes of their own based on the credit of the country, they could then by that issue obtain the interest on the notes that are in circulation. By accumulating that interest they could gradually redeem the debt. In proportion as the country becomes now a ready-money country, every year more money is transferred in actual money than formerly; therefore we may expect a greater increase of bank-notes circulating throughout the country. In proportion to the increase of bank-notes, which do not bear interest, they could with those bank-notes purchase consols, and by saving the interest that is paid on consols they could accumulate a reserve capital out of which to redeem those bank-notes when they come in after having been in circulation. By this means it has been computed that in forty-one or forty-seven years—because this is a very fluctuating question—we cannot decide how far the country will be prepared to receive these notes, whether they will take a hundred, or fifty, or thirty millions; but the idea is sound at the base, and the idea will develop in proportion as the advantages become appreciated; and I believe that in forty-seven years we should have the country entirely clear of a national debt if we can only pay the present interest on that money to that period, because the gradual accumulation of interest on those notes in circulation would at compound interest be so increased that they could buy up the Government notes that were issued, and the whole thing would be satisfactorily arranged. It seems a complicated thing to explain in a short address, but I can see it in my own mind.

Mr. Edgar: I am afraid that the plan which Mr. Wilson has proposed would defer the redemption of the national debt to a still longer period than that of Mr. Hill—to a period so long that I doubt whether it would ever arrive, because the idea which he has suggested is founded on a scheme of finance, which I think it exceedingly unlikely will ever be adopted in this country. I profess my agreement generally with the principle advocated by Mr. Hill, and I think that it is the only reasonable and natural mode in which the debt of this country can ever be cleared off. It is impossible to suppose that anything can ever be done by an increase of taxation. Mr. Hill's scheme does not entail any increase of taxation, but I doubt whether it will be agreed to by the people of this country. I am not one of those who think that the reduction of the national debt is an object of such very great importance as some economists and financiers think, because notwithstanding what Mr. Hill has said I am persuaded there is some force in the objection that the interest is so low upon our debt that it is more sound economy to continue the debt than to pay it off with money that can be more profitably employed. I must say that Mr. Hill's argument—that if this be so we ought to borrow more money—does not seem to my mind to be quite applicable, since we all admit that the debt is an evil, and there is no reason why we should incur further evil by borrowing more money. Take the case of a private individual. If a man has incurred a certain amount of debt and supposing that he has capital sufficient to pay it off, but that he has the means of investing his capital in such a way as to return him a very much larger interest than he pays for the debt, I think his most prudent course would be to continue the debt, if he had the opportunity. And again, I do not think that the argument stated by Mr. Hill, that to be able to incur a debt gives rise to a facility for going to war, is very much to the point, because the view I take of it is this: if you should pay off your debt entirely then the temptation to go to war would be still greater; we should not have the burden of previous debt upon us; but the greater our debt is, so much the more do we feel the evils of the system, and the less likely are we to enter into a war which would require a very large increase to our debt. However, the real question to my mind is this: whether it is better to pay off the debt in such a manner as Mr. Hill proposes, which I think is a most reasonable and sound mode, or whether it is better to adopt a reduction of taxation. I think it must be admitted that the feeling of the country is in favour of a reduction of taxation. The commercial benefits that have hitherto resulted from reduction of taxation have been so great that I do not think the minds of men in this country will be prepared to forego a further advantage from the same cause for the sake of any remote advantage in the future. That is human nature, and I think it will operate in this

case also. Another reason why I should rather incline to prefer the reduction of taxation side of the question is this: if a further reduction of taxation is to be attended by an increase of our trade, such as has accompanied previous reductions, it is obvious that the capital of the country will very largely increase, and the more the capital of the country increases, the burthen of the national debt is reduced. Just as in the case of a private individual, if a man has mortgaged an estate worth £20,000 for £5,000, if the value of the estate is doubled in a certain number of years, of course the debt is reduced by one half in point of real burthen; and such would be the case in respect to the national debt. Although I am fully alive to the many advantages that would arise from the debt being reduced, still I think the great question for our Chancellors of the Exchequer will be whether the country is prepared to accept it. They must be guided by the public feeling on the subject, and I doubt whether Mr. Gladstone or any other Chancellor of the Exchequer will be able to force the people of this country to adopt the system of paying off the national debt by means of terminable annuities, if they are in favour of the other mode.

Mr. Edward Wilson: I think we are greatly indebted to Mr. Hill for the interesting paper he has given us, and I go entirely with him in his views as to to the propriety of grappling with this great evil, the national debt. I think the sooner and the more vigorously the better. I never heard anything which struck me as so miserably disproportionate to the gravity of the question as the arguments with which Mr. Gladstone's grand and noble proposition, small as was the measure of relief which he proposed, was met in the view that because we can borrow money at three per cent. or thereabouts, and because private individuals or gentlemen engaged in commerce or some other pursuits can afford to pay ten per cent., therefore it was highly inexpedient to take the money from their pockets to pay off a debt borrowed at three per cent. Mr. Edgar has referred to individual action as bearing upon the national position. I think in many respects we may consider it is a fair comparison, but I think Mr. Edgar stopped short at a very critical point in question. We will suppose that a man is borrowing money at three or four per cent. Suppose he is so skilfully and diligently using that money that he can make his ten per cent. by it. I think that under such a set of circumstances that he should rest content with a very large debt upon his shoulders. But I think we ought to follow that gentlemen a little further, and we ought to see whether in this diligent use of the money so borrowed and the very large profit he makes upon that money, he may not be betrayed into so large an amount of personal extravagance as to lead him to be dreadfully blind to the existence of this debt and the shape which that debt may some day assume under altered circumstances which possibly he may not foresee. That I believe to be the condition of this country at the present moment—that it believes it can borrow any amount of money at 3 or 4 per cent., and that individuals possessing the money from which fund taxation if increased would have to come are employing that money at a much higher rate, and no human being can foretell what to-morrow may be the altered circumstances that may place the nation in an awkward position and which the individual, supposed by Mr. Edgar, would be in, if he had been encouraged to a very weighty and dreadful extravagance on the faith of always being able to get money at 3 per cent. and employ it at 10 per cent. Much as I approve Mr. Hill's bold and vigorous enunciation of sound doctrine on a subject which ought to be grappled with vigorously and soon, I am directly opposed to the latter part of his argument, and I could scarcely help being so rude as to laugh when I heard Mr. Hill calmly recommending us to undertake a task which was to culminate 130 years hence. In the name of everything that is reasonable, who can look forward for 130 years and say in what condition our nation will be then? Who can say that in the tenth part of that time, even within six months, we may not be plunged into some dreadful war? All this is looming about us, and no man can foresee for a single week; with the United States, or possibly some other nation, great questions will always be treading upon our toes and none of us know what shape they may assume any day. What then would become of the national debt? Instead of waiting for the 130 years of Mr. Hill, or the 41 or 47 years of Mr. F. J. Wilson, we should find the national debt, which we are now trifling with, and asking whether ever it is to

be paid and how?—we should find it doubled upon our hands in five years, quadrupled probably. If we do not deal manfully with the debt now, how shall we then be in a position to deal with it? Let us look to all eventualities. Do not let us sit down to calmly calculate about 130 years when every ten years events are happening, any of which may shake this nation's funds, and we should find that instead of getting money at 10 per cent., we could not get money at all. When a man has to pay his debts there is only one way of doing it. He does not talk about terminable annuities or some other ingenious expedient suggested by another gentleman. There is only one way, to put his hand in his pocket. I believe the case is the same with the nation. If the national debt is to be reduced by anything like a reasonable and sensible scheme, it is only to be done by taxation. Here I am met with the cry, very common and I believe very absurd, about the impatience of taxation. It is my lot to hold very peculiar opinions upon the subject of taxation. I believe this "ignorant impatience of taxation" is the sheerest cant. I believe that people are willing to be reasonably taxed if only they are fairly taxed. One gentleman has spoken of very great concessions in the way of taxation, and the very great advantages that accrue to the trade of the country from that reduction of taxation. I would ask gentlemen to weigh very accurately—for it is a very nice point—how far the advantages which are unquestionably derived in modern times from an alteration of taxation are to be attributed to reduction of taxation, and how far to the better adjustment of taxation. It has been my lot to spend a great many years of my life in a country where we were very heavily taxed indeed, and coming to England where I hear so much of what I call cant about an impatience of taxation, it makes me rather laugh when I look at the statistics of the matter, and calculate by the simplest possible mode as to what the rate per head of taxation is, and whether it is properly adjusted. Understand I go steadily with that. The taxation must be properly adjusted or else it becomes very nervous, disagreeable, and annoying in a thousand ways. But taking care that taxation is properly adjusted, I not only believe the English people are not heavily taxed but that they are not half sufficiently taxed. I believe it would not be very difficult, unpalatable as the proposition is in its first enunciation, to induce the people of this country to see that it would be very much to their interest, either as individuals or as members of a great community, to submit to a very much higher rate of taxation than they are at present subject to, not upon the present basis, but upon some fair basis, on which every man should feel that he was only paying his fair proportion of the taxation of the country and no more. In this country you have about seventy millions of income raised, and there are only about thirty millions of persons to raise it from, and the consequence is that each pays from £2 to £2 5s. I come from a country where habitually the rate of taxation is £5 or £6 per head, and no man feels that his taxation is high. [Mr. Edgar: Would you state what that country is?] The colony of Victoria, Australia. [Mr. Edgar: Does the rate you mention include local taxation?] No, I am not referring to that. That is a separate branch; but I am prepared to meet you on the subject of local taxation as well, but do not let us discuss minor matters which are not necessarily mixed up with the present one. If by any process you could raise your thirty millions of people to the rate of taxation which we pay, and pay without any effort, or without any man feeling he is taxed except in the most convenient way, you would pay off the national debt in forty years, before which you will have, depend upon it, ten wars, each of which will cost the national debt over again. If you could pay off the national debt in eight or ten years, that would be something like forwarding it, but if once you begin talking about 130 years, you may as well leave the national debt alone, and look upon it as a perfectly hopeless thing to deal with. I believe the subject of taxation has occupied your attention on another occasion, and perhaps it does not come within the paper which Mr. Hill has brought before us, therefore I will not refer to the details as to the amount of money which can be raised from a small number of people. I think amongst the advantages which a great empire possesses in having possessions in every sea, in having invested them with all sorts of constitutions, and having paraded before them a very large number of experiments being carried out in a great many different ways, one of the very greatest advantages of such a large organi-

zation is, that, here and there little things will be found well worth attention, and from which the mother country might occasionally learn something.

Mr. S. Teulon: I most entirely agree with the proposition that the subject should be dealt with, but not that the debt presses so much upon the community that it is material to clear it off. If it did so, as a matter of principle it ought to be cleared off. No man ought to continue in debt if he has the means of paying, and certainly a nation ought not. There are those who can remember that Cobbett, in his publications forty years ago, said: "The national debt says to the King of England, "You shall not go to war." But has the debt prevented this country going to war? It has been the better principles that have prevailed in this country, and they will prevail still more strongly if the country acts honestly and gets rid of its debt. As to the mode, I think annuities are a good mode. When once an annuity is granted, it is a charge which must be paid by the nation, and taxation cannot be so reduced as to render it impossible to pay off the national debt, and leave the probabilities in favour of increasing it. There are very great difficulties because of the extent of the debt. You cannot go on increasing the debt at the rate of 3 per cent., if you were inclined, at the present time; 3 per cent. has been a reduction from the terms on which the debt was originally contracted. The nation has only to look at railways. What has been the case lately? Railways could not borrow at ordinary interest, and they were driven into all sorts of difficulties. So it would be with the nation. If any large attempt was made at increasing the national debt, you could not borrow upon the terms on which the debt is now negociated. The terms would be immediately altered because the necessities of the nation would be increased. Therefore, we ought gradually to get rid of the national debt, and the best mode is in the shape of annuities.

Mr. Hurst: If the debt is to be reduced, I think the plan of annuities is the best way; but the question is, whether it is wise at the present time to attempt anything of the kind. We find the national debt is becoming year by year of less importance to the community. The increase of the quantity of precious metals has very much decreased their value, and a debt which can be postponed for an indefinite period, will be very much reduced. Our forefathers had a plan of paying their debts by going through the insolvent court—I trust the nation is not going to resort to that plan, and I think as the nation is going on, there will be no necessity for it.

Mr. Strachan: The only argument which has ever been put forward that I think worth consideration is, that as tax-payers can use their money at more than three per cent., it would be better to keep it in trade, and let the country continue in debt; that is, that the country is to lend money to traders to carry on their trade with. Is that a proper view of the relations of government to the country? We must never forget that there is a good deal to be done in educating the people, and in fitting them to submit to some taxation, in order to get the debt reduced; because whenever there is a surplus in the hands of the Chancellor of the Exchequer, immediately there is an outcry for a reduction of taxation. You may call the opposition to taxation "cant," but it is a great fact. I do not see anything unreasonable in 125 years being required to clear off the debt. I think we have taken a commendable step in the right direction. If we inaugurate a system which may be extended in future years, it will lead us to do something towards commencing to pay off the debt. It seems to me a strange argument that because we are increasing in prosperity, we ought to allow our debts to remain as they are. I do not apprehend any advantage about the country not going to war. When the country has made up its mind to have a fight with somebody, it will fight, whatever the cost.

Mr. Hugh Mason: It is a very desirable thing that something should be done to reduce the national debt, but I think the most feasible plan is to begin to spend less. If we go back a very few years, we find we were spending very considerably less upon our army and navy than at the present moment, and I am not aware that the people in this country, or the colonies, felt when we were spending so many millions sterling less in their defence, that they were less secure than they are to-day. I decidedly object to any increase of taxation upon the present generation for the discharge of debts which have been made by our forefathers for very

improper purposes—for purposes which have not added in the slightest degree either to the dignity or the security of the country. I think one of the best plans of spending less is to increase direct taxation. I think the people who feel and see how the money goes from day to day, are the people who will look the most closely after the mode of its expenditure. And I do earnestly hope that we shall do that instead of increasing taxation for that particular purpose, which I am quite sure the people of the present day would not submit to. As to using the sponge and wiping it out, that is quite out of the question, and we cannot permit that for a single moment. But I am quite certain that if great eyesight was kept over the expenditure by the people at large, we might maintain our position as one of the greatest nations of the earth and still spend millions upon millions sterling less per annum upon the armaments of this country.

Mr. Lewis Hill: It has been observed that the debt is gradually melting away by the increasing plenty of gold which renders the value of gold less. For my share of the debt, I will view it as every honest man must. As an honest man, I should rather pay as much as I borrowed; and not stand by and see a natural process going on which was picking my creditor's pocket, and putting it into my own. As an honest man, I repudiate that mode of dealing with this debt altogether. I feel assured that this gradual depreciation in the value of money is in itself, and without any reference to the debt, a very serious evil. It ought not to be. Our money ought to be a stable thing; it is a measure of value. Suppose our pound avoirdupois became a lighter weight, suppose our yard became shorter—it is exactly the same thing; only one is a measure of quantity, and the other of value. The particular effect, I believe, is to encourage extravagance and speculation. If any gentleman will give himself the trouble to inquire, he will find that it only empties the pocket of the saving, and puts into the pocket of the needy and extravagant. The only other point is, that the money can be more profitably employed. I think it is a very mischievous fallacy to assume, that all the money we want to pay off this debt could otherwise be our accumulated capital. It forgets that a great portion of that money—probably the major portion—would be paying out of consumption. People would be a little more economical in consumption than they would otherwise be, they would not indulge in extravagances of expenditure. To assume that taxation comes entirely out of capital, and not at all out of consumption, seems to me an inordinate fallacy.

Mr. Fowler: As to the analogy between the nation and an individual, if A. borrows a sum of money, it is the duty and interest of A as soon as possible, as soon as ever he is in a position to do so, to pay that money off; but I do not think you can apply that analogy to a nation. I think the nation is rather in the position of a man who is to succeed to a landed estate, which is charged with an annual rent charge. Is it the duty of that man who is a tenant for life only, who is only receiving the rents of that estate during his lifetime, to submit to any sacrifice in order that he may during his lifetime redeem that rent charge, and to transmit the estate perfectly free? I do not consider even that a parallel case, because I think all these analogies between the public and a private creditor are hardly fair. You must look at the question more from a statesman's than from the commercial point of view. I think in dealing with the taxation of a whole country, your duty is to see how that taxation presses upon all industries and upon the consumption of the country, and if we find, as I believe we shall do, that we have at present a taxation which not only prevents the accumulation of capital, but positively interferes with the consumption by large masses of the people of the necessaries of life, I say it is the first duty of a Chancellor of the Exchequer and a statesman to endeavour to alleviate the burden of taxation. We are in the same position now as when our debt assumed its present shape. In estimating any question of this kind we must look at the assets of the debtor. The assets of the nation in 1866, as contrasted with 1816, fully justify that very much abused remark of Mr. Disraeli, when he said that our debt was a mere nea-bite. I think the present generation ought not to be subjected to additional taxation. I think that every margin which our Chancellors of the Exchequer can possibly get ought to go in reducing taxation, ought to be applied in alleviating the burdens of the vast masses of the people of this country. At all events

they are not in a position to exercise more economy in their consumption in order to carry out this theory of reducing their liability.

Mr. Mills: I will take the liberty of following up the idea of Mr. Fowler, by pointing out the distinction between a debt due by a private individual, and one due by the nation. No doubt a debt due by a private individual ought to be discharged as soon as he conveniently can do so; but even Mr. Fowler has omitted to notice this distinction which exists between the debt of an individual and the debt of a nation, that in the debt of a nation a large portion of the nation itself are the creditors who receive that debt. We talk of our country annually requiring twenty-five or thirty millions for the payment of the national debt, but we do not export that money to foreign creditors, but distribute it amongst every portion of our own community. Those persons who are themselves the tax-payers, are also themselves in another capacity the tax-receivers. Though I by no means dispute the advantage of paying off the national debt if it can be done, yet like all other matters of a public character, it comes to be a question of the balance of conveniences of the advantage on one side and the disadvantage upon the other. When you have balanced those, it might result that in the payment of the twenty-five or thirty millions a-year, which are paid for the interest upon the national debt, the principal of which, be it borne in mind, you are never bound to discharge, yet like the debt of an individual it is a perpetual charge upon a man's estate, and that twenty-five or thirty millions you do raise and pay for the public, you distribute amongst other members of the same community. No one who has given the slightest attention to economical matters, can question that it would be desirable to pay off the national debt. When I hear one gentleman say that a debt of £800,000,000 can be paid off in ten years—Mr. Hill said 130 years—I confess I could not but ask myself the question, is it possible that in ten years or even in 130 years, such a sum can be paid? [Mr. Wilson: I did not say it should be paid off in ten years. I only suggested a plan by which, if it were capable of being got into operation, the debt would be paid off in ten years.] Of course, either in ten or 130 years, to assume that it can be done without largely encroaching upon the capital of the country appears to me to be idle. I conceive it would encroach largely upon the capital of the country. I cannot but also suppose that the extremely heavy taxation which would be involved would have the effect of driving a large portion of our capital to other countries, where it would find a more profitable investment Not merely our capital, but the working classes (for whom we feel so great and lively an interest) would be largely prejudiced. In the present position of the case, having regard to the comparative lightness of the burden, and our increasing prosperity, though some small measure like that suggested by Mr. Gladstone last session may be ventured upon, yet the sweeping measure contemplated by Mr. Hill or Mr. Wilson, would be a very perilous thing indeed to ask us to venture upon.

Mr. F. Hill: Any plan such as that suggested by Mr. Teulon would be quite consistent with the plan of the paper, as auxiliary to the means I have ventured to suggest. With regard to the distinction between the national debt and a private debt on account of many creditors for the national debt living amongst us, I would suggest that there is nothing at all peculiar in that. Our private creditors are just as much our neighbours as the holders of government stocks. I am at a loss to see how I benefit my children by handing down to them an estate with a mortgage on it. Get rid of the mortgage and you leave an estate in a better position, and your successors would be glad to find that you had paid off the mortgage, even though by so doing you reduced somewhat the nominal value of the estate. What I want is that this country should by precept, and yet more, by example, denounce the whole system of countries going into debt. If an object is to be accomplished let the present generation pay for it, and not take advantage of the power which it possesses to burden its successors. If the capitalists to whom applications were made had refused advances to the Americans, to both North and South, that terrific war would not have taken place. By the course I have suggested you may by a very moderate effort pay off the national debt. If you choose to accelerate the speed, happy shall I be.

Mr. H. Ashworth: We have had an interesting discussion on this subject, but the affair stripped naked comes to this—it is an affair between debtor and cre-

ditor. Nobody can doubt that we have assets to pay our debts. The country is worth far more than we owe. Those who would be called upon to pay prefer to owe the money at a cheap rate and reduce taxation rather than pay off their debt. I imagine no Chancellor of the Exchequer would hold his office very long if he insisted on imposing a tax year after year with a view to pay off or diminish the national debt. But now as creditors let us look to the security. There are elements of strength which give to this debt an amount of security which for the time being enables it to float along without creating any very large amount of apprehension. These elements chiefly consist of our coal, and our energy of character. If we consult a geologist respecting our security, he would tell us that our coal would be exhausted in 100 years, and we talk about 134 years for paying off the debt! I have no doubt a medical man would say that, looking to the amount of luxury, indulgences, and lessening of physical strength which is going on from year to year, we may take it for granted, that the energy which we now possess will not last the coal measures.

The Chairman (Mr. M. Ross): We have had a very interesting discussion, and the expediency of reducing the national debt has been admitted on all hands. I do not agree with the gentleman from Victoria, and I am afraid that any attempt to raise our taxation to £5 or £6 per head would end in open rebellion. The present amount is felt by many to be a great grievance. I fear that any attempt at reducing our national debt by further taxes upon the people would not meet with the approval of a majority of the House of Commons. Mr. Mason's practical proposition to spend less, you could bring into effect at once. Surplus taxation is so clamorously applied for to any Chancellor of the Exchequer that we must look for very little relief from that source. What I would most deprecate is dealing with so large a sum as £700,000,000 summarily. It can only be dealt with gradually. I think the discussion has shown that the thing may be done. On all hands it is admitted that we are able to pay, but some think that we should not, and the interest we pay is not a very great burden, seeing that we are not half so much taxed as the people of Victoria. I think the question has been discussed in all its bearings, and that the matter is fitted for action whenever a Chancellor of the Exchequer shall see fit to take up any of the five propositions that have been suggested.

LABOUR AND CO-OPERATION.

The papers on this subject by Mr. R. A. Arnold, Mr. Elie Reclus, and Mr. Archibald Briggs, will be found at pp. 687, 695, 703.

DISCUSSION.

The Rev. H. Solly having opened the discussion with a few observations;—

Mr. Farrer Ecroyd said: This subject has many branches, not a few of which bear with great importance not on the social condition of the country alone, but on its commerce. It is, I think, useless for us to pride ourselves on the great strides that the commerce of this country has taken, and to imagine that they will continue in a geometrical ratio for ever, for if we look around we shall see many agencies at work which will bring us into more severe competition with other nations. How are we to bear that competition and to maintain that high standing which England has enjoyed as a manufacturing country? I think we must all admit that our position in that respect is most of all endangered by the chronic strife between capital and labour: what, then, are the means for removing these dangers to our trade? I believe they will be best found in partnerships between capital and labour. Partnerships between capital and labour hitherto have been of a kind of despotism; masters have had absolute control, and enjoyed the whole amount of the profits realised. I would bear my testimony to the nobleness of mind which has dictated the experiment at Whitwood, but there are some difficulties attaching to the extension of the principle which it is well worth remembering. Mr. Briggs has informed us that the amount paid in wages is six-tenths of the annual returns of the business: thus, upon every £10,000 worth of coal raised, £6,000 goes in wages. Now, in my business, the Bradford

trade, of every £10,000 as the value of the production, £830 is only paid in wages; relatively the value of labour in my business is only one-seventh of what it is in the case of Mr. Briggs. In sugar refining, I believe that the rate of wages would only be one-sixtieth of the value realised, and so in other trades the same argument would apply—that every business was not so well suited for the formation of industrial partnerships as that of coal getting. I ought to mention this to account for the difficulty of rapidly introducing partnerships of industry. I do not despair of the success of that movement. In the establishment in which I am a partner, we attempted two years ago to place the scheme of an industrial partnership before the work people, but the difficulty we experienced was not the application of the principle, but the unfitness of the workmen, by reason of defective education, for taking that intelligent part in the business which alone could make their connection successful; there was also a difficulty arising from the smallness of the proportion of weekly wages to the weekly earnings. Again, in our business, there would also be a drawback because of the fluctuations in the market price of materials; those fluctuations would be a severe trial to men who have only reached the limited educational point of the majority of our manufacturing population. We are waiting hopefully for the period when the educational status of our people shall enable them to become partners with us, for we are convinced that in education alone can we lay the foundation of a better industrial and social system. One immense benefit the country would reap by these industrial partnerships would be that they would obviate almost altogether the great objections which have arisen to the growth of gigantic establishments: the merging of small badly conducted establishments, where the cost of management bears a serious proportion to the outlay, the condensation of multitudes of small concerns into large and intelligently managed establishments, will be one of the greatest benefits that will follow the development of the principles of co-operation. There would also be this result; the present condition of commerce, the vast questions involved in industrial undertakings, have created claims upon the thought and attention of those who have the responsible management of large concerns, which I would almost venture to say are growing beyond human endurance. We may see in this movement a tendency to relieve the overtaxed brains and nerves of our thinking men. I assure you that I do not personally value the privilege of standing alone on this responsibility of being made to think for multitudes of men; I rather take it as an imposition of slavery.

Mr. E. O. Greening: The partnership experiment in our firm has answered very fairly, and I think that in such cases as that of Mr. Ecroyd, if the men were taken into the concern they would do more than they now do to help forward the enterprise. The principle on which we formed our partnership was even more selfish than that of Mr. Briggs, and though we had only 70 or 100 men to deal with, the experiment has been a great success. We began by reckoning on an average of profits that had been made during previous years, and we fixed a price which we should receive in capitalising our interest, allowing those profits to give a dividend of 15 per cent. We told the men that we would not give them anything, but that we would make this bargain with them, that if they would help us to keep our profits above that average, they should have half of what was made over that sum. After six months' experience we balanced the books and found that the average had been exceeded, and that we had to give the men a 5 per cent. bonus on their wages. The results of the experiment on the men themselves have been good. We have fifteen whom we can say are visibly striving to help us in the enterprise. We had a pleasing example in one case. The man who drove our engine had been receiving bribes to burn more coal than was necessary, and the workmen seeing the effect of this proceeding on their profits, came forward and requested that the fireman should be discharged; under ordinary circumstances that would not have been done. I think that in forming these trade partnerships it should be borne in mind that men will not invest their money in a trade unless they have held out to them the expectation that they will obtain the average profit which that trade gives; in the case of co-operative societies the dividend looked for, at any rate when they were first formed, was only 5 per cent. Apart from the pecuniary advantages of trade partnerships, I can see

others, social advantages. Strikes, I think, would be less numerous, and the almost despotic influence and the excessive hard work of managers of establishments would be done away with, for it would not require the same close personal interest on the part of one man where there was a large general interest on the part of all.

Mr. JOHN EDWARDS: The paper read by Mr. Briggs shows that the experiment at his collieries has succeeded in a great measure in destroying the antagonism between capital and labour, and I agree with the last speaker that there is more to be realised by these industrial partnerships than pecuniary returns. They will prove what I have long been convinced the co-operative societies have proved—that working men are not such bad hands at business as some would have us believe. Co-operation greatly stimulates inventions, and promotes the growth of capital: for 63 per cent. of the dividends in the co-operative societies is capitalised. Co-operation, however, still labours under some difficulties, the first of which is, that in establishing our federation of societies for wholesale business we are limited by the law to an investment in the name of one society of not more than £200. Again, most of the societies are suffering from a plethora of capital, and the building of working men's dwellings would be a safe outlet for our funds; the law, however, does not allow us to build, and to re-sell to our members.

Mr. E. POTTER, M.P.: I have watched this question some years, and so far as Mr. Briggs' scheme is concerned I see no practical difficulty in the working of it out. I however think that these experiments should not be forced. There is one drawback which I think I can see would result in their management. I believe in the exercise of what I may call a sort of mild despotism in the management of large concerns, the despotism of one strong energetic man, like many of those who have laid the foundations of some of the oldest and most respected establishments in this part of the country. Now some of that despotism might be lost where the interests of a proprietary come to be more numerous, personally: and even if it is discouraged you do that which is certainly not to the benefit of the working classes. I however think that there should be no pressure put upon the extension of these trade parternerships: they should be fairly tested for eight or ten years before we pronounce a decided opinion about them. The advocates of the system may safely leave the capitalist to take his own course; he best knows his own interests, and if he can retain an average of profits and improve the working and management of his establishment by dividing the profits above that average among his work-people, advocates of the partnership system may rest assured that he will do so. I would advise those gentlemen not to force their own opinions against the judgment of those who are really better judges than themselves. Some of the practical difficulties in the way of co-operation and trade partnerships lie in the circumstance that where there is a variation of profits, sometimes extending to an absolute loss, the managers would be compelled to disclose that state of things to the shareholders, and owing to the comparative ignorance of the latter, temporary depression may lead to a panic that might end in total ruin. In private undertakings these embarrassments are not disclosed, except to the few practical men immediately concerned, and they are thus often surmounted. Again, you can never work joint-stock establishments at anything like the rate of expenditure you can work individual concerns; and there are also the difficulties suggested by Mr Ecroyd. Do not suppose that I am prejudiced against these undertakings, but I would counsel their advocates to take a little time and not push the theory too rapidly, for I am quite sure that the larger capitalists wish for nothing more than the advancement of their men. What we want is, to be associated with educated men: we cannot form partnerships with uneducated men; you cannot reason with them, you must exercise a mild despotism over them.

Mr. A. GREENWOOD: The societies in Rochdale are doing a business of about £600,000 a year, with a capital of about £200,000. The stores are realizing profits of about £33,000 annually, the corn mill £17,300, and the manufactory is yielding no profit at all: of the cause, gentlemen in the Lancashire trade will be perfectly well aware. At one time we lost £10,000 on that manufactory: but it is now about recouped. I think that we may estimate the future profits of that

part of our undertaking at £50,000 a year. The great obstacle to the progress of the work in Rochdale, has been the ignorance of the bulk of our members; but notwithstanding that, we are making progress, and showing that working-men have a better capacity for business than some gentlemen will credit them with. [Mr. J. H. RAPER: Have you had many losses?—and, if so, have they led to dissensions?] There have been several; in connection with the stores, there have been three several losses, of about £500 each—but the members took to them kindly, and are now educated to them.

Professor FAWCETT, M.P.: I will briefly allude to some of the economic advantages which persons like myself—sometimes termed enthusiastic and wild theorists—attribute to co-operation, and then I will point out whether or not our anticipations have been realised. What we always asserted before co-operation assumed anything like its present development was, that if you could interest men in a business, if you could make them participate in the profits, and make them capitalists, a feeling of self-interest would operate upon them, and the efficiency of their labour would be enormously increased. Now, have those conclusions been verified by the experience of co-operative schemes? Mr. Potter, in his objections, fell into a fallacy—which is often, I think, fallen into. People will persist, when they are speaking about co-operation, in treating co-operative societies as joint-stock companies, and attribute to co-operative schemes all the disadvantages which undoubtedly belong to joint-stock concerns. Adam Smith, eighty years ago, compared (and nothing scarcely can be added to his comparison) the advantages with the disadvantages which attach to industry carried on by an individual capitalist, and by a joint-stock company. Mr. Potter has repeated that comparison. But before I leave the fallacy, let me say that Mr. Potter's objections are, to a certain extent, contradicted by experience. Not long since I was talking to one of the largest employers of labour in this country, who has converted his trade into a joint-stock company—a company which has not the least degree of the character of co-operation about it—the Messrs. Crossley, of Halifax. I said, "Do you find the disadvantages apply which are usually attributed to joint-stock companies?" and they said, "No; the works are proceeding as prosperously as before." There is this distinction between joint-stock companies and co-operative societies: what we consider to be the essence of co-operation is, that you give labour a right share in the profits. If you do not give labour a chance to participate, we say the establishment has no right whatever to claim the title of co-operation. And what is the advantage which we attribute to this system? I say that every pound of profits which is given to the labourer as a bonus for his labour, enriches him who gives as much as him who takes. That briefly describes the advantages which we attribute to co-operation. Of course theoretical writers, like myself, may write pages in enlarging upon those advantages; that has been done by the great master of political economy—John Stuart Mill. But it may be replied to our assertions, that all we say is mere theory. Now, so far as we are able to learn, there is a complete answer to that observation; for Mr. Briggs tells us that every advantage which a theoretical writer has ever attributed to co-operation has been more than realised in his undertaking. Experience like his cannot be got over—and it makes the great difference, which never should be lost sight of, between a joint-stock company and a co-operative society. The usual disadvantages attributed to co-operation have been completely removed. It has been said that working men would quarrel with themselves, and that their capacity for business would be too small to conduct an undertaking successfully. We find, however, the very contrary to exist at Rochdale. They face their difficulties manfully and successfully; and their concerns are just as likely to succeed as the concerns of any private capitalist. I think I am entitled to say, that experience has proved that all the disadvantages attributed to co-operation have no foundation in fact. I do not say that a co-operative society may not fail—as a private business will fail; but I do say that if members have the wisdom, and place confidence in their managers, and if those managers are honest and well-selected men, there is little danger of any such a result. Now, what is likely to be the future of co-operation? No doubt it will pass through many phases, and assume different forms. Some branches of industry are difficult to be managed by such means as that adopted by Mr. Briggs. What is the peculiarity

of his business? That it combines the large capitalist with co-operation; and why I say such a business as that is peculiarly fitted to be carried on is, that coal mining requires a large amount of capital to be sunk before any returns can be realised. Therefore in this case the assistance of the large capitalist is extremely useful. In other concerns where a large amount of capital is not permanently locked up, such as trades which depend on the skill of the handicraftsman, there is no reason why they should not become purely co-operative, in this sense, that only those who are labourers should have capital, and that there should be no one else, and that the labourers employed should supply all the capital required. Whether this branch of industry or that branch will be carried on according to this form of co-operation or that form of co-operation will be proved by experience. No doubt many experiments will be made. Some perhaps will be failures; but from every failure a valuable lesson will be learned. Of this, however, I feel convinced, that each year co-operation in its various phases and forms is certain to extend. As the country becomes more educated, and as we are strong enough to introduce a system of national education, there will be a greater number fitted to embark upon co-operative schemes. The extension of co-operation will be a great educational impetus in itself. It will be a most important economic assistance to this country; for the experience of Mr. Briggs shows us that it will allay disputes between masters and men, and increase the pecuniary value of the industry of this country to an extent which will be almost impossible to over-estimate. Another advantage is that its essential foundation is this,—by stimulating the energy of the labourer, it improves the character of the labour and increases the efficiency of that industry. As it extends it will not only give wealth to this class and to that class; but it will, in the truest and best sense of the word, make the whole nation richer by distributing more wealth over the general community. I have thought on the subject for ten or twelve years, and every day I am more strongly convinced that as co-operation is extended to every branch of industry England will enjoy a happiness which she never knew before.

Mr. Hugh Mason: I think that Mr. Solly was too sanguine in rejoicing at the realisation of the scheme of industrial partnerships by reference to the one concern of Mr. Briggs, especially when we remember that that undertaking has only had a year's existence, and that it belongs to a trade which, for the past few months, has been coining money, to the very great advantage of the capitalist. I have myself been very reluctant to identify myself in the slightest degree with those who have advocated industrial partnerships, because I conceived that nothing could be more fatal to the interest of the working man, and to those who are his friends in their wishes to elevate him, than that this matter of partnerships should fail. I consider that as yet we are far from being in a position to be able to invite working men to invest their earnings in such undertakings. So far as I know the working man, he wishes to have freedom in his trade; to go from one master to another if he thinks fit, or thinks it his interest to do so, and I conceive that industrial partnerships will destroy that freedom. I do not believe, as has been hinted by one of the speakers, that working men are indifferent to the success of the trades in which they are employed; on the contrary, I consider that if the working man is properly treated he will take a special interest in his employer's success. I may also remark, and this bears on the conduct of working men, that during the cotton famine Lord Derby expressed his fears that the working men would be so pauperised that a generation would have to pass before they would rise again to their proper position. I felt sure that opinion would not be realised, and I think it has not. In our Ashton union, which is the largest but one in the kingdom, and in which pauperism rose to a greater height than in any other union, except Glossop, it is less at this moment than it has ever been before.

Mr. J. Holmes quoted a mass of figures to show that the working men had not received their fair share of the increase of wealth of the country, and defended co-operative industry as both just and politic.

Dr. J. Watts: I have had my day in socialistic theories, but I think that the present effort of co-operation combines in itself all which is practical in the theory of communism. The efforts which working men are now making in various directions are, o say the least, highly creditable; first, their exertions in

the direction of co-operative stores, to supply themselves at wholesale prices with food and clothing, is a great and unmixed good; if the stores are well managed it is 7½ per cent. addition to their wages, if they spend the whole of their wages at those stores; and, in the second place, it is a great stimulant to prudential investment. They are asked to allow the 7½ per cent. to accumulate, and they get in addition 5 per cent. on every pound's worth of goods they purchase. Let me mention another point. It seems to me that there is a vast amount of time and intellect wasted in the distribution of wealth, particularly among the working people. I remember on one occasion looking into 100 shops along Stretford road, Manchester, between three and four o'clock in the afternoon, and finding customers in only five or six of those establishments, I asked myself what are these shopkeepers doing? Doubtless, in many cases the shops were managed by the wives, while the husbands were at work elsewhere, but the wives, I thought, could be well employed in other ways if those shops were done away with, and certainly the poor who patronised those shops would be benefited if the profits were divided amongst themselves. Looking at the results of co-operation, I think there is a prospect of still greater extension. When men have acquired a power of management, and a habit of prudential investment, nothing is more natural than that finding the profitableness of distribution among themselves they will seek greater profit in production, and if they should go into the productive class of enterprises everything will depend, as it now does with their employers, on the prudence with which their concerns are managed. We know from experience, that some not small concerns have been exceedingly well managed, and that large profits have been made and distributed among working men, who have been shareholders in joint-stock spinning mills and weaving sheds. There is no possible reason why working men should not invest their money in productive enterprises. We already find that they gain more money in a co-operative store than is gained by a long strike for wages. It does not necessarily follow that in the extension of their investments they will make all the workers partakers of the profits, for as was nicely put in the paper on partnership, there may be partners and auxiliary workers; so I believe it is in the spinning mill, at Rochdale there are shareholders, and workers who are not shareholders. In considering this question of co-operation and partnerships this question has sometimes been put—that the workmen who so invest their money will be the best and most prudential, and they will seek to work in their own establishments—What then will other employers do? Now, my answer to that is this, that capital will always take care of itself, and my belief is that if a capitalist were to make it a rule of his establishment, that whoever worked for him for twelve months should partake of 25 per cent. of the profits, to be declared by an accountant or the county court judge, if necessary, it would be found at the end of twelve months that those workmen had so exerted themselves that the 75 per cent. reserved by the master would be larger in amount than the 100 per cent. which he had previously been accustomed to take.

Mr. Briggs, in reply to Mr. Solly: So far from the workmen interfering in our management I find that my power is really more despotic than ever. The men gladly give their advice when asked for, and they have made many valuable suggestions.

The Chairman: I quite agree with Mr. Potter and Mr. Mason, that we want more experience before co-operation is strongly encouraged into new spheres. If due caution is exercised, co-operation may greatly improve the relations of capital and labour. I do not know whether sufficient stress has been laid on the moral aspects of co-operation. When Mr. Potter suggested a mild despotism as being necessary for the present condition of the working classes, I could not help thinking that there was much truth in that observation. When, for example, a regiment was recruited from the scum of the villages in the wilds of Connaught, it was necessary to manage them not by the ordinary discipline of the regiment, but by a harsher system than now obtains. And again, in the early periods of manufacturing industry, when masters and men were less intelligent and moral than now, their relations could not have been maintained without a large amount of harshness. The word "despotism" is not pleasant, but what I suppose Mr. Potter means by it is, the domination of the highest intelligence and the greatest

morality. With uneducated men, so ignorant that they are easily made the dupes of others and irritated into combinations against their masters, mild despotism may be more successful than co-operation, but if you can secure by education an elevation of the morality of the people, affording them more self-respect and foresight, and a more intelligent insight into their own interests—in proportion as you do that, I conceive that co-operation becomes possible. We shall only advance step by step, and I urge the greatest caution in the founding of these establishments. Our Rochdale friend may argue that there is a large amount of education to be gained in these establishments. Undoubtedly there is, and it is on that very ground that I am jealous of failure, because almost fatal discouragement may follow. It is therefore necessary to set before working-men the dangers and difficulties they have to surmount owing to their imperfect information and experience of manufacturing and commercial enterprise, and to endeavour to educate them to that standard which is necessary to their future success. Hitherto we have neglected them in these particulars. We have too often treated the working men as though they were neither sentient nor thinking beings, and it becomes us as a great nation who would have property secured and industry developed, to believe that there are greater resources far in the intelligence and morality of our people than in any other portion of the resources of the prosperity of this country. What might have been the condition of the people of this country had they been intelligently brought up, and properly trained, when we find them exhibiting the virtues they frequently do under the greatest possible disadvantages! No mineral wealth, no wealth that is derived from the bowels of the earth—coal, iron, tin, or copper—is equal to that which would be derived from the hearts, and morals, and intelligence, and co-operation of an entire people.

FAMINES IN INDIA.

A paper was read in a supplementary section of this Department (Thomas Bazley, Esq., M.P., Chairman), by Major-General Sir Arthur Cotton, on "Famines in India, their Causes and Remedies."

Sir Arthur Cotton described the famines as periodical, recurring in some part of India perhaps every ten years. In the Madras Public Works' Report of 1852, it was stated that in 1831 the population of Guntoor, a district of 4,700 square miles, the 270th part of India, was 512,000; in 1833, it was 255,000—a loss of 257,000; and of these it appeared certain that 200,000 had perished. In Colonel Baird Smith's report on the famine in the north-west in 1810, he estimated the mortality at 80,000 or 90,000 in the central section of the famine tract alone, or 2 per cent. of the population, in another part 8 per cent. As the whole population of the famine tract was about 10 millions, the loss of life altogether must have been 200,000 at the lowest per centage. In the accounts of the famine then (1866) in progress, it had been stated that 2,500 were dying weekly in one district, that 900 dead bodies were picked up in the streets of Belasore in one day, &c.; and it was spread over an unusally large area. As to the loss of property, Colonel Smith estimated it in 1860 at 3¼ millions sterling. In 1833, in Guntoor alone, the Public Works' Report estimated the loss at 2¼ millions. Of the loss of public revenue the commissioners estimated that, in the 18 years following 1833, in Guntoor alone, there was a loss of £900,000.

One reason assigned for these famines was the want of water; but there was no such want in India. When Guntoor lost 200,000 by famine a river was flowing through it, which never failed, and which in a single day carried to the sea 4,000 million cubic yards of water; and, as 6,000 cubic yards will secure a crop of rice on an acre, water enough was running to waste in that one river in a day, in that very district, to secure 700,000 acres of rice, the food of 2½ millions of people for a year. A single day's water would thus provide food for five times the whole population of the district. The sole cause of the famine was that the water was not distributed over the land. So with the recent famine; in the centre of it, where the people were dying by many thousands per week, not only was there a river passing through it, while the harvest was perishing, which would have provided water in one day to secure food for one-and-a-half to two millions for a year, but there actually fell sixty inches of rain in the district itself—twice as much as the average of England. If it is asked, "How could the harvest fail, then?" the answer is, that this local rain was of itself sufficient to give 7,000 cubic yards per acre (more than enough for a crop of rice), but that it fell in such untimely quantities, with such long intervals, that the crop withered between the falls. Only one thing was wanted, that the supply of water should be regulated by artificial means. First, that the water should be led from the rivers by canals out upon the lands; and, secondly, that the violent bursts of rain should be stored in tanks, from which water can be drawn off as it is wanted. The next reason was that we cannot provide money for the necessary works. But if we can afford, as in Guntoor, to lose a million in revenue by a famine, it is strange indeed that we cannot afford to spend half a million, which would prevent it. Again, eighty millions sterling have been already raised for the railways, and twenty millions more are being raised, sufficient to water fifty millions of acres, and to raise food for the whole population. How can it then be said that money cannot be found for works which will pay, as such works are now actually doing, 50 and even 100 per cent. profit? Another reason was the want of means of transit from the parts of the country where the harvest had not been lost. But why are there not such means of transit?—for the same reason that there are failures of the harvest, because we have neglected to regulate the water, and in doing it, to provide water-carriage; for all the irrigating canals may be made steamboat navigations. When famine occurs over an area occupied by ten or twenty millions of people, nothing but water can possibly convey the quantity of food required, and on steamboat canals it could be brought 1,000 miles for 10s. or £1 a ton. In the hydraulic works even now in progress in India, the main canals are from 20 to 60 yards broad, and three deep, and they are being fitted with locks, capable of being filled in a minute, and of passing steamers of 300 to 400 tons. To water half a million acres for rice, we require a canal 64 yards broad, and three deep, flowing at 1¾ miles an hour, which is ample for a full application of steam-power.

As to the works, they are of two classes: 1st, weirs and canals, to lead the water from the rivers; and 2nd, tanks, formed by throwing embankments across valleys to store up water. Of both these there are numerous works constructed by the natives, but it is only in certain parts of India that they exist, and many of them are essentially defective. They effectually regulate the water in those seasons when there are violent bursts of rain, and intervals so long as to ruin the crops, but they cannot supply the want of local rains, as the works do which are connected with the great rains, which never fail. There is hardly one of these works that with our superior means and advantages, we could not most materially improve, at a cost which would afford great returns. There are also a few extensive works executed, or now under execution, by Government. About 1,000,000 acres are irrigated from the Canvery, across which a weir is thrown, in all nearly a mile in length. This district is by far the most prosperous in India, bearing a population of about 2,000,000, and yielding a revenue of £620,000 a year; so that if all the 130 districts were in as high a state of improvement, the revenue would be 80 millions, about double what it now is. These works are, however, in some respects defective, but especially in this, that the rivers and canals have not been made effective navigations. North of Madras, the Deltas of the Godavery and the Kistna have been irrigated to a great extent, though the works are not yet completed. More than a million acres are now watered, and about as much more remains to be supplied. In these works the canals are made navigable. From the Godavery weir, which is fourteen feet high, three canals proceed, each from fifty to sixty yards wide, and three deep, capable of conveying about 1½ million of cubic yards per hour, almost the whole of which water is distributed to the fields when in full cultivation. This work, which has cost half a million to this time, has increased the revenue by £270,000, or 54 per cent. on the capital; the exports, from having been £57,000, were the year before last £570,000, and the traffic on the principal canal by the last return, was at the rate of 21,000 boats a year, besides rafts. The next great Government work is the Ganges Canal, begun also about 20 years ago, on which 2¼ millions have been expended, watering last year about half a million acres. It is still in a very imperfect state, having not yet made any fair returns for the capital. Its failure has been solely through defects in projection, and if rightly dealt with it will certainly turn out a highly remunerative work. It is planned at present to water 1½ million acres of wheat, but it is capable of being extended to water 5 or 10 millions. The remaining great Government work is in the Punjaub—a system of irrigation from a branch of the Indus, on which almost a million has been spent, and which is now in operation to a considerable extent. Besides these, works are being carried on by the Government on the Jumna, in Scinde, in Bombay and Madras, and also in the important improvement of 500 miles of the Godavery river, to connect Central India with the coast. The Irrigation Company's works, one on the Toom-

budra, in Madras, and the other in Orissa, are beginning to be used, but languish for want of funds. Probably the old native works, the government works now in operation and under construction, and the company's works, will together water 10 millions acres, and provide 10,000 miles of navigable canal. But this leaves about 97 per cent of the occupied area of our districts unwatered. All these works are just lingering on, £10,000 in a year spent where £100,000 is required. But the main point to be observed is, that all are merely isolated patches, so that we have ten thousand miles of navigation in hand, divided among ten projects. Only about 6,000 or 7,000 miles of connecting links are wanted to unite at least 20,000 miles of river and canal, and to form a continuous navigation from Kurrachee in the extreme west to Sudya, on the Burhampoota, in the extreme east, a distance of 2,500 miles, and to Tanjore, almost in the extreme south, a distance of 3000 miles.

But "Can these works of irrigation and navigation be executed at a practicable cost?" The answer is that the Madras Public Works Commissioners state that the whole of the new works in that presidency yielded on an average 70 per cent. net direct profit to government. The present Godavery works have cost half a million, and have watered 800,000 acres, or the capital expended is 12*s.* per acre, and the actual price paid for the water is 8*s.*, or 66 per cent. on the cost, as the government profit alone. The total of the projects now under execution will have cost about 10 millions, and will water about 8,000,000 acres, which gives £1. 5*s.* per acre for an average. At this cost such works could now be executed throughout the plains; the less level tracts would cost about double, but if we allow an average of £1 10*s.* we shall be safe. If such works pay a water-rate of 6*s.* on an average for rice and dry grains, the direct returns would then be 20 per cent., and this is far below what they are actually now paying wherever they have been tolerably planned. We cannot reckon the value of the increase of the crop from irrigation at less than £2 per acre, or 130 per cent. on a capital of £1 10*s.* And it will be observed that these rates allow for navigable canals, so that the navigation will be obtained for nothing. Thus, while railways capable of carrying perhaps 100,000 tons a year, at about 1½d. a ton, besides passengers, have cost, on an average, £20,000 a mile, first-class water carriage can be provided for nothing to convey 10,000,000 tons, besides passengers, at 1-10th of a penny, or one-fifteenth of the cost by railway. The great mass of the travellers in India cannot afford the railway rates. On the canals in Godavery the charge is 16 miles for a penny, on the railways from three to four. Where a railway would carry 700 a day at 1-3rd of a penny, a steamboat canal would carry at least 7,000 at about 1-20th of a penny. At this rate irrigation might be provided for all the districts of India at a cost of 42 millions sterling, which would secure also 50,000 miles of navigation.

As to storing water in tanks. They are formed simply by throwing an earthen embankment across a valley, or hollow, taking advantage

of any natural facilities afforded by the ground. There are some noble specimens of these works executed by the natives. Nothing of any consequence has ever been done by our Government in this way; and therefore we have not the data for estimating the cost, but we calculate that on a large scale they will cost about £100 per million cubic yards of capacity. Now allowing 6,000 cubic yards per acre of rice, this would be at the rate of £100 for 170 acres, or 12s. an acre, as the cost of storing, besides that of distribution, making it much the same as the cost of river irrigation. But these tanks accomplish two other purposes. If they are placed high up in the country, and the water is applied in the dry season, they will improve the navigation of the river between the tank and the cultivation, which alone would pay the cost many times over. A tank of 1,000 million cubic yards would supply a stream of 30,0000 cubic yards per hour for five months. The other effect is to diminish floods, and thus to facilitate the regulation of the water on the flat country.

Besides the advantages secured by the regulation of the water, in the way of fertilising the soil and providing a navigation, the sanitary results must not be overlooked. In many places in India the people have to drink in the dry season the refuse of village tanks, and hence the terrible fevers round Calcutta. Regulation of water would be, if carried out, the great treasure of India, and would make it an immense mart for our manufactures. River navigation would also be most valuable in a military point of view. As to dealing with famines, when they actually occur, what should be done, is immediately on the failure of the harvest to send down engineers to plan and mark out works of irrigation, to collect tools, to provide shelter, and to gather food from a distance ; so that when the famine was felt, and before the people died, or were too weak to work, everything should be thoroughly organised, and employment provided for every man, woman, and child that demanded it. If this were done, the number of deaths would be immensely diminished, and very little money would be lost. Of course there should be many subsidiary means used, such as officers to visit the people in their villages, depôts of food at short intervals, &c. But nothing can be more dreadful than to think of a Christian government sitting with its hands folded for months in the certain expectation of such an awful calamity, deliberately determining to let its subjects perish by hundreds of thousands.

MISCELLANEOUS.

Mr. C. Plummer read a paper on "Jamaica, its Resources, and how to develop them." He said that the two staple products of the island, sugar and rum, absorbed the industry of the people. He maintained that the labouring population did and would work, if they

were properly remunerated. As an illustration of the progress which was being made, he mentioned that the people of the parish of St. Elizabeth, in the county of Cornwall, in Jamaica, had formed an association for agricultural and commercial purposes, and he was one of a deputation which had been sent to this country to form a direct commercial intercourse. The preliminaries were completed, and he hoped to return to Jamaica and report the full success of their mission. Jamaica opened a fine field for cotton cultivation; the island was capable of producing cotton of as fine a quality as the American Sea Island, and the ordinary black seed variety sold in the English market at a slight advance on the New Orleans. For the successful development of their industrial and agricultural resources he looked mainly to the small freeholders, who had been so long neglected. They must be taken in hand, instructed, encouraged, and supported, and they must have cordial co-operation. The white people should manifest faith in the coloured people, by aiding them to help themselves. If the people of Jamaica got a fair start and practical encouragement, millions of wealth might be made to pour into Europe and reciprocal benefits accrue to Jamaica.

Mr. T. Y. STRACHAN read a paper on "Benefit Building Societies." He said that, whether in consequence, or in spite of the paucity of legislative interference, these societies, left alone for thirty years, had continued to increase and prosper until they now satisfied the social economist, the man of business, and a large general constituency. Tracing them from their foundation, under the act of 1836, this paper showed their original fault of construction and management, the extortionate rate of interest and premium in which borrowers were amerced, the confiscation of depositors' money, and the impossibility of members getting their property released upon fair terms; it then showed the gradual improvement which had taken place in all these particulars, and that at the present time might be found large societies in almost every quarter where men might deposit their savings, and have them repaid at a short notice with fair interest; where borrowers might become owners of their houses on equitable terms, being at liberty to sell or exchange them without loss. Societies were now flourishing with tables showing the members' position at any time, either as borrowers or investors. The Newcastle Society gave an option to borrowers to extend the term of their repayments up to twenty years, by which means men of very moderate receipts could adapt their payments to their income, and eventually almost every working man might be the owner of his house.

Mr. STRACHAN also read a paper on "The extent to which Building Societies might aid in improving the dwellings of the working classes." After calling the attention of Building Society managers and surveyors to the necessity of their evincing (when applied to for advances) a marked preference for healthy, well-arranged, and comfortable houses over the more wretched kind which were run up by speculators with a view only to high rents, he said that the purpose of such societies was to make advances on security of property repay-

able in instalments spread over a certain term. Calculating on the tables used by the Newcastle-on-Tyne Permanent Building Society, he showed, by the following table, what annual payment was required for £100, £90, £85, £80, and £75 spread over various terms.

Term.	£100.	£90.	£85.	£80.	£75.
5 yrs.	22·64	20·37	19·25	18·11	16·98
7 „	16·97	15·27	14·42	13·57	12·73
10 „	12·72	11·45	10·81	10·18	9·54
12 „	11·09	10·	9·43	8·88	8·32
13 „	10·47	9·42	8·09	8·38	7·85
14 „	9·94	8·95	8·45	7·95	7·45
16 „	9·09	8·18	7·73	7·27	6·81
20 „	7·92	7·12	6·73	6·33	5·94

Entering the table for thirteen years, we find the repayments, including principal and interest, to be about 10½ per cent. per annum. If we suppose the property to leave a net return of 7 per cent., there is 3½ per cent. to be made up by the member, but, if he provides 10 per cent of the cost of the house and gets an advance of 90 per cent., then his annual repayments are about 9½ per cent., leaving him 2½ per cent. to make up. If he pays down 20 per cent. of the purchase money and borrows 4-5ths or 80 per cent., his repayments would be about £8 8s., leaving him £1 8s. per annum to make up for each £100 of purchase money, while if he paid 1-4th of the purchase and borrowed 3-4ths, his private resources would only be taxed some 17s. per annum. Taking the extreme case of the repayments being spread over twenty years, then a little under 8 per cent. would redeem in the term. With an advance of 9-10ths of the value, £7 3s. would redeem, being only 3s. per cent. per annum to come out of private means, while if 4-5ths only were borrowed, the rents would more than pay the Building Society, leaving 13s. 4d. over each year for every £100 of cost. Now as a Building Society would advance to purchasers, say 9-10ths of the purchase money, it would be easy for a company to build and sell improved dwellings where there was a reasonable demand, and land was not too dear. In those places where land was dear the difficulties would increase, unless houses could be sold in flats. In that case, a company of working men—intending occupants—might build a block together, but prudence would require that each member should inquire how he can obtain a return of his capital in case he could not continue to be a shareholder, or how his family could realise his savings should he be cut off. A share in such a building could not be so easily disposed of as a share in houses, which could be sold singly.

In conclusion, it might be stated that for the purpose of large erections to be let in many tenements, Building Societies might be

almost considered as not useful under the present state of the law as to title to real property. But for ordinary houses and cottage dwellings, these societies might be used by individuals or companies who build improved dwellings, to enable the occupier to become owner also. The whole question was a mercantile one, resolving itself simply into—How can it be made to pay? There was no necessity for making it a question of almsgiving. The only philanthropy which could safely be introduced, consisted in advice as to the best kinds of dwellings to erect, and the best societies to join. To be permanently successful these must be kept self-supporting.

Mr. H. CARAKER read a paper on "Penny Burial Clubs," in which he said that the establishment of such societies had been greatly encouraged in Liverpool. There could not be in the United Kingdom fewer than 6,000,000 of members of such clubs, which comprised members of one day old to the age of 70 years. He alluded to the frauds which were practised on the poor through not being able to procure baptismal certificates of deceased relatives, and the consequent forfeiture of their policies. The management of such societies was monopolised by men who were totally unfitted for such a duty, and both managers and collectors were irresponsible to the subscribers. He entered into a minute investigation of the accounts of four of the largest clubs in proof of his allegations, and he alleged that Government investigation was needed to protect those who subscribed to such clubs.

The Rev. H. SOLLY read a paper on "Working men's Clubs and Institutes in their relation to the upper classes, and to national progress." He thought there were signs of decay in the vigour and earnest life of the upper and middle classes. With noble exceptions, the lives of the aristocracy were feeble and aimless, compared with what they were in former days. Their energies were chiefly expended in field sports and the turf, or else in a general policy of resistance to forward movements of any kind. With regard to the middle classes, they were guilty of reckless speculation, inordinate greed, and self-indulgence; and, unless some new vital force was introduced into the body politic, we should go the way that other nations as proud and powerful had gone before. He looked on the working classes as the element which a wise and merciful Providence offered for arresting our decay, and for renovating our national life; and to improve those classes, and to fit them for the position they were hereafter to occupy, he considered working men's clubs the best instrument that had yet been adopted. Those clubs must combine recreation and amusement with instruction, and they must essentially be looked upon as the means of communication between working men and the educated classes. The friends of the movement must not be discouraged by the small patronage which some of these clubs might at first receive at the hands of the working men; he felt confident of their ultimate success. The movement was a far-reaching one, destined to revolutionise the country in the best of all possible ways, if it were only wisely upheld and carried on by those who knew its value.

Mrs. M. A. Baines read a paper which she supplied on "Servants' Clubs," describing these associations as secret societies, held mostly in public-houses, and therefore highly prejudicial to the class for whom they were established. Whilst deprecating these clubs, as at present constituted, Mrs. Baines did not wish it to be supposed that she disapproved altogether of clubs for servants. On the contrary, she thought that, if properly constructed, such organisations might be turned to good advantage. To accomplish that end, she suggested that those interested in working men's clubs, should extend their exertions, and establish servants' clubs on the same principle.

Mr. James Airlie, representing the Glasgow Abstainers' Union, read a paper on "Recreative amusements as an agency of social reform." The paper gave an outline of the growth of recreative amusements in Scotland, and particularly in Glasgow, especially alluding to the success of cheap concerts. The object of his fellow workers in that movement was to reverse the general idea of making amusement subsidiary to instruction, by making instruction subsidiary and incidental. Their object was to instruct through amusement, instead of amusing through instruction.

Mr. George Hurst read a paper on "Allotments of land to agricultural labourers." He observed that the condition of the agricultural labourer had considerably improved within the last few years; but still, among the working classes, none were so badly remunerated for their services. Until recently they were considered a burden upon the land; but now they were becoming appreciated, and by the Act of Parliament making the destitute poor a union instead of a parochial charge, their comforts were gradually increasing, as the landed proprietors were beginning to erect for them good and healthy cottages, so that they might reside near their work. The labourers in husbandry, instead of being confined, as formerly, to their own parishes, were much benefitted by having a wider field for their exertions. The whole union being now the parish of settlement, and there being public works with a demand for labour in the manufacturing districts, the facilities for emigration gave them great advantages. The village labourers had other opportunities that compensate them in some degree for inferior wages, which, in purely agricultural districts, will average about 10s. per week. There was the comfort of a rural cottage, with a tolerable garden, at a rental of only from £2 to £4 per annum. Then the allotment system had very much improved the condition of the farm labourer, especially where he was fairly treated. But it frequently happened that the rent charged to the labourer was much higher—often double—what would be charged to the farmer. This was not giving the poor man a fair chance. It was the duty of the landlord to consider the well-being of the men to whom he owed the chief value of his estate, and he should put them on as good a footing as the larger occupiers. The labourers, when fairly treated, were always punctual in their payments to the landlord, as they consider they have a beneficial interest in their allotments, and the rule is they cultivate well, and a great improvement in their condition is the result.

Mr. HURST also read a paper on "The Credit System," pointing out its evils, and making several recommendations for its abolition, among others a shortening of the legal period for the recovery of debts.

Mr. F. WILSON read a paper on "Barrack allotments." He argued that soldiers in the neighbourhood of barracks situated in the country should have a field apportioned out as gardens, thus having an interest for spare hours, which are now barren of an object, The country, he thought, would thus be directly benefitted. The Government, though taking the land through the barrack master, would expect the soldier who had the allotment to pay a small rent, both for the land and the tools.

Mr. C. H. BRACEBRIDGE read a paper on "Juvenile Emigration." He said that those who have for many years been conversant with reformatory institutions, poor-law boards, and parochial charities, well know the difficulties, always increasing, of providing for children honestly and faithfully. Of late years the possibibility has arisen of establishing in several of our colonies the same institutions for orphans as we have in England, with like guarantees, and similar humane and wise treatment, as well as the same safeguards of public opinion. This, too, with the great advantage of a better practical education for future life, less expensive, and leading to an earlier introduction to remunerative labour. On leaving a colonial orphanage early, the new inmate of a family may yet become "*un enfant de la famille*," and join the circle within which the social affections may again take root and bear fruit. By the transmission of children—say from seven to fourteen—to selected colonies, their maintenance and education will not cost more than two-thirds of what it does in England. Their productive power will come into play in a few years, and their services be eagerly sought for after their thirteenth year. In the advanced state of society in some of our colonies, benevolent committees and government inspection can be found as well as in England, while some colonial law may strengthen the means of inquiry and reporting, for years after the children are absorbed into society, and thus future statistics will afford a real means of calculating the amount of success. The cost of voyage and outfit—equal to two-thirds of a year's cost in England—would soon be covered by the saving effected. As to the workhouse children, they cost here 3s. to 3s. 6d. per week each; and, taking boys and girls together, they cannot be put out much before sixteen years of age, giving three years' additional charge, and this with far less reasonable expectation of good result. It remains only to convince the Colonial Office, the Poor-law Board, Emigration Commissioners, and any colony disposed to try the experiment, that they, each of them, could and ought to assist in this work. The total cost of sending out 400 workhouse children as an experiment, and providing for them in a colonial home for six years, from the age of seven years until thirteen, would be say £20,000 for all expenses, viz. voyage at an average of £6 each for 400 children, £2,400; six years' residence at 2s. 6d. per week, or £6 10s. per annum, for 400 children, £15,600; allow for extra expenses, £2,000; total, £20,000.

Mr. H. Walker, of London, read a paper on "The development of wholesale and retail trade in London, and the causes of the early closing movement." In 1800, when the divisions of textile trade, which were identified with the era of the city guilds, still held a lingering existence, the largest shop in London, a haberdasher's, employed not more than 16 persons on the premises. By 1825, the development of the present class of large houses had commenced. By the side of those wholesale houses which restricted themselves principally to the sale of piece goods, there had started traders who made it their business to purvey the largest variety of articles from the seats of various industries, assorted for the provincial retailer and the exporter, and offered in more convenient proportions, and at lower prices, than they could be obtained by the retailer himself treating directly with the manufacturer. In 1814-19, the foundations were laid of some of the most flourishing houses now existing. In 1825, the foremost of the new class of houses, and one which most exhibited the growing functions of the London market as the medium between the manufacturers and the retailers of the country. housed 150 persons occupied on the premises, instead of 15 persons ten years before. In 1826, an epoch was created in the development of the trades of the mercers at the West End, by the admission of foreign silks at a duty largely reduced. From this period to the present time when a single house dines 400 persons daily on the premises, the progress was in the same line of development. New social conditions had, however, been created collaterally with this expansion of business. In 1800, nine o'clock—the ideal hour for closing shops specified for Mr. Tradewell in the "Complete English Tradesman,"—had been exceeded under circumstances which would greatly have modified Defoe's prescription. The mercers' apprentices, holding a position of consideration and comparative importance in their master's households, and sufficient for the business demands of the period, had been superseded by the shopmen and juniors of a more stimulating commercial era, occupying no domestic status, and prevented by the prolonged hours from enjoying any form of private domestic life. The substitution of salaried assistants for the pupil auxiliaries of the earlier generation, was coincident with a general extension of the hours of business. In 1825, a petition was presented by a body of assistant linen-drapers to their employers, praying that the hours of closing might be ten o'clock in summer, and nine in winter. The new conditions of industrial life which had been developed at the seats of manufacture, were repeated in the market for distribution. In the manufacturing districts the tendency had been to supersede a domestic industry, and to aggregate a weaving and spinning population into large bodies. In the wholesale warehouses and shops of London, there had been a supersession of the more domestic agency of a former generation, and a similar aggregation of the industrial class.

Madame Bodichon read a paper advocating the extension of the suffrage to women who were freeholders and householders.

Miss L. L. MENZIES read a paper on "The Callings suitable to Women of the Middle Class," and dwelt upon the imperfection of the education which young girls at present receive, and the unfairness of the position in which they are consequently placed in comparison to their brothers. She recommended that parents should try to give their daughters an education which would fit them for life, and enable them to exercise their acquirements towards the gaining of independent positions in society.

Mr. T. J. DUNNING read a paper on "The Principle of Exchange in relation to Lock-outs," in which he argued that man, in his originally barbarous state, took everything he wanted from his neighbour by force or fraud, the strong always preying on the weak; that civilization introduced the principle of exchange of commodities in opposition to this predatory instinct; and that society advanced in proportion as exchange triumphed over force. Lock-outs were, in his opinion, a return to barbarism, bearing nothing but attempts to preclude bargain or exchange, and to force the employed to succumb to the terms imposed by the employers. Lock-outs differed in this respect from strikes, which were attempts to arrive ultimately at a bargain between the contending parties.

Mr. EDGAR read a paper on "The Report of the Select Committee of the House of Commons on the Law of Master and Servant," and CAPTAIN TOYNBEE one on "The Condition of Seamen." Both these papers were subsequently read at Sessional Meetings in London, and have been printed in the Journal of the Association.

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